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THE STATUTES:

REVISED EDITION.

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CONTENTS.

	Page
CHRONOLOGICAL TABLE, FOR THE PERIOD COMPRISED IN THIS VOLUME - - - - - - - - - -	v
THE STATUTES (REVISED) - - - - - -	1
APPENDIX - - - - - - - - -	667

CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
41 Geo. 3. (U.K.) (1801).			
cc. 1, 2.	Use of fine flour	Rep., Stat. Law Rev. Act, 1872.	
c. 3.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 4.	Unfunded debt	Rep., Stat. Law Rev. Act, 1872.	
c. 5.	Annuity to sir Sidney Smith		
c. 6.	Militia, Ireland	Rep., 49 Geo. 3. c. 120. s. 1.	
c. 7.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 8.	Taxation	Rep., 2 & 3 Vict. c. 23. s. 67.	
c. 9.	Duty on horses	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 10.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 11.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 12.	Sale of bread	Rep.— as to certain places, 55 Geo. 3. c. xcix. s. 1. as to all other places, 59 Geo. 3. c. 36. s. 1.	
c. 13.	Bounties	Rep., Stat. Law Rev. Act, 1872.	
c. 14.	Suppression of rebellion, Ireland		
c. 15.	Habeas corpus suspension, Ireland		
c. 16.	Malting, &c. from grain		
c. 17.	Duties continuance		
c. 18.	Marine mutiny		
c. 19.	Merchant shipping		
c. 20.	Improvement of commons		
c. 21.	Exportation	Rep., 6 Geo. 4. c. 105.	
c. 22.	Apprenticeship indentures	Rep., Stat. Law Rev. Act, 1872.	
c. 23.	Collection of poor rates	Rep. in part, Stat. Law Rev. Act, 1872.	1
c. 24.	Compensation for injuries to mills, &c.	- - - - - -	4
c. 25.	Master of the rolls, Ireland	Rep. in part— 4 Geo. 4. c. 61. s. 25. Stat. Law Rev. Act, 1872.	6
c. 26.	Habeas corpus suspension	Rep., Stat. Law Rev. Act, 1872.	
c. 27.	Lottery		
cc. 28, 29.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 30.	Seditious meetings prevention	Rep., Stat. Law Rev. Act, 1872.	
c. 31.	Steeping of barley		
c. 32.	Charge of certain permanent services in Ireland.	Rep. in part— 18 & 19 Vict. c. 82. s. 1. Stat. Law Rev. Act, 1872.	7
c. 33.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 34.	Bounties	Rep., Stat. Law Rev. Act, 1872.	
c. 35.	Quartering of soldiers		
c. 36.	Exportation, &c.		
c. 37.	Importation		
c. 38.	Combinations of workmen	Rep., 5 Geo. 4. c. 96. s. 1.	
c. 39.	Forgery of bank notes	Rep., Stat. Law Rev. Act, 1872.	
c. 40.	Taxation	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 41.	Importation	Rep., Stat. Law Rev. Act, 1872.	
c. 42.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 43.	Militia pay, England	Rep., Stat. Law Rev. Act, 1872.	
c. 44.	Taxation		
c. 45.	Continuance of acts		
c. 46.	Indemnity for certain acts		
c. 47.	Taxation		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
41 Geo. 3. (U.K.) (*cont.*)			
c. 48.	Sale of wine, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 49.	Indemnity, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 50.	Foundling hospital, Dublin	Rep., 50 Geo. 3. c. cxcii.	
c. 51.	Taxation	Rep., Stat. Law Rev. Act, 1872.	
c. 52.	Persons disabled from sitting in House of Commons.	Rep. in part, Stat. Law Rev. Act, 1872.	8
c. 53.	Damaging of hides	Rep., 5 Geo. 4. c. 57.	
c. 54.	Isle of Man trade	Rep., Stat. Law Rev. Act, 1872.	
cc. 55, 56.	Militia allowances		
c. 57.	Forgery of bank notes	- - - - -	11
c. 58.	Stamps, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 59.	Annuities to lady Abercromby, &c.		
c. 60.	Composition for a crown debt	Personal and spent.	
c. 61.	Suppression of rebellion, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 62.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 63.	Persons in holy orders disabled from sitting in House of Commons.	Rep. in part, Stat. Law Rev. Act, 1872.	13
c. 64.	Debtors relief	Rep., Stat. Law Rev. Act, 1872.	
c. 65.	National debt	Rep., Stat. Law Rev. Act, 1861.	
c. 66.	Indemnity	Rep., Stat. Law Rev. Act, 1872.	
c. 67.	Militia, Scotland		
c. 68.	Importation, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 69.	Taxation	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 70.	Insolvent debtors relief	Rep., Stat. Law Rev. Act, 1872.	
c. 71.	Taxation	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 72.	Land tax redemption	Rep., 42 Geo. 3. c. 116. s. 1.	
c. 73.	Certain parliamentary grants	Rep., Stat. Law Rev. Act, 1872.	
c. 74.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 75.	Taxation	Rep., 6 Geo. 4. c. 105.	
c. 76.	Letters of marque	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 77.	Fish, Newfoundland, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 78.	Expenses of special and high constables	- - - - -	14
c. 79.	Public notaries, England	Rep. in part, Stat. Law Rev. Act, 1872.	16
c. 80.	Indemnity to printers of certain public documents against penalties.	Rep., Stat. Law Rev. Act, 1861.	
cc. 81–83.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 84.	Appropriation, &c.		
c. 85.	Payment of fines imposed by justices	Rep. in part, Stat. Law Rev. Act, 1872.	19
c. 86.	Stamps on duplicate probates and letters of administration.	Rep. in part, Stat. Law Rev. Act, 1861.	20
c. 87.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 88.	Lodgings of justices at assizes, Ireland	- - - - -	21
c. 89.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 90.	Recovery of crown debts, &c., and evidence of acts of parliament between Great Britain and Ireland.	Rep. in part, Stat. Law Rev. Act, 1872.	22
c. 91.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 92.	Bounties	Rep., Stat. Law Rev. Act, 1872.	
c. 93.	Importation		
c. 94.	Customs		
c. 95.	Trade with America		
c. 96.	Prize	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 97.	Fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 98.	Militia pay, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 99.	Fish	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 100.	Repeal of a certain tax	Rep., Stat. Law Rev. Act, 1872.	
c. 101.	Controverted elections		
c. 102.	Pluralities of livings		
c. 103.	Malta declared part of Europe	Rep. in part, Stat. Law Rev. Act, 1872.	25

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
41 Geo. 3. (U.K.) (*cont.*)			
c. 104.	Suppression of rebellion, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 105.	Oaths before Scotch and Irish judges respecting petitions for bills referred to them.		26
c. 106.	Imprisonment for debts contracted abroad.	Rep., Stat. Law Rev. Act, 1872.	
c. 107.	Copyright	Rep., 5 & 6 Vict. c. 45. s. 1.	
c. 108.	New forest	Local.	
c. 109.	Inclosure clauses consolidation		26
42 Geo. 3. (1801-2).			
c. 1.	Duties on malt, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 2.	Duties on pensions, &c.		
c. 3.	Fish	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 4.	Repeal of 41 Geo. 3. (G.B.) c. 17, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 5.	Duty on worts, &c.		
c. 6.	Lottery		
c. 7.	Importation		
c. 8.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 9.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 10.	Prize		
c. 11.	Correspondence with foreign parts		
c. 12.	Militia quotas	Rep., 42 Geo. 3. c. 90. s. 1.	
c. 13.	Corn, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 14.	Manufacture of starch	Rep., Stat. Law Rev. Act, 1861.	
c. 15.	Distillation from wheat, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 16.	Importation		
c. 17.	Loans or exchequer bills		
c. 18.	Southern whale fishery	Rep., 6 Geo. 4. c. 105.	
c. 19.	Westminster fish market	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 20.	Duties on rum, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 21.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 22.	Greenland whale fisheries	Rep., 6 Geo. 4. c. 105.	
c. 23.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 24.	Duties on cinnamon, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 25.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 26.	Marine mutiny		
c. 27.	Countervailing duties		
c. 28.	Transportation		
c. 29.	Fort Marlborough in India		
c. 30.	Proceedings against spiritual persons		
c. 31.	Duties continuance		
c. 32.	Grant of crown land at Plymouth	Local.	
c. 33.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 34.	Duties on windows, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 35.	Trade in grain, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 36.	Collection of revenues, Ireland		
c. 37.	Duties on servants, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 38.	Duties on beer, &c.		
c. 39.	Repayment of certain loans	Rep., Stat. Law Rev. Act, 1872.	
c. 40.	Restrictions on cash payments		
c. 41.	Exchequer bills		
c. 42.	Income tax repeal, &c.		
c. 43.	Duties of customs & tonnage	Rep., Stat. Law Rev. Act, 1861.	
c. 44.	Importation	Rep., 6 Geo. 4. c. 105.	
c. 45.	Restriction on cash payments	Rep., Stat. Law Rev. Act, 1872.	
c. 46.	Parish apprentices	Rep. in part, Stat. Law Rev. Act, 1872.	48
c. 47.	Duties on sugar, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 48.	Annuities to dukes of Sussex and Cambridge	Rep., Stat. Law Rev. Act, 1872.	
c. 49.	Militia pay, England		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page
42 Geo. 3. (*cont.*)			
c. 50.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 51.	Marine mutiny		
c. 52.	Post horse duties		
c. 53.	Indemnity, Ireland		
c. 54.	Lotteries		
c. 55.	Militia allowances		
c. 56.	Stamp duties on medicines	Rep. in part, Stat. Law Rev. Act, 1872.	51
c. 57.	National debt commissioners	Rep., Stat. Law Rev. Act, 1872.	
c. 58.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 59.	Bounties	Rep., Stat. Law Rev. Act, 1872.	
c. 60.	Drawbacks		
c. 61.	Irish mariners, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 62.	Oaths at parliamentary elections	Rep.— 35 & 36 Vict. c. 53. s. 32. (temp.). Stat. Law Rev. Act, 1872.	
c. 63.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
cc. 64, 65.	Militia allowances	Rep., Stat. Law Rev. Act, 1872.	
c. 66.	Yeomanry and volunteers	Rep., Stat. Law Rev. Act, 1861.	
c. 67.	Theft of turnips, &c.	- - - - -	57
c. 68.	Yeomanry, Ireland	Rep. in part, Stat. Law Rev. Act, 1872.	58
c. 69.	Exercise of trade by soldiers, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 70.	Public accounts	Rep., Stat. Law Rev. Act, 1861.	
c. 71.	National debt		
c. 72.	Regiment of miners of Cornwall & Devon	Rep. in part— 51 Geo. 3. c. 114. s. 2. Stat. Law Rev. Act, 1872. Sect. 32. virt. rep. in part, 2 & 3 Vict. c. 59. s. 1.	61
c. 73.	Health of apprentices, &c. in factories	Rep. in part, Stat. Law Rev. Act, 1872.	70
c. 74.	Loans for erection of workhouses	Rep., Stat. Law Rev. Act, 1872.	
c. 75.	Linen manufacture, Ireland		
c. 76.	Metropolitan police magistrates		
c. 77.	Pacific ocean fisheries	Rep., Stat. Law Rev. Act, 1861.	
c. 78.	Hackney coaches, Metropolis	Rep., 1 & 2 Will. 4. c. 22. s. 1.	
c. 79.	British fisheries, &c.	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 80.	Goods in neutral ships	Rep., Stat. Law Rev. Act, 1872.	
c. 81.	Post office	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 82.	Smuggling	Rep., 6 Geo. 4. c. 105.	
c. 83.	Duties, &c. on coffee, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 84.	Controverted elections	Rep., 9 Geo. 4. c. 22. s. 1.	
c. 85.	Trial of public officials for offences committed abroad.	- - - - -	74
c. 86.	Pluralities of livings, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 87.	Sale of Parliament House, Dublin, to Bank of Ireland.	Private.	
c. 88.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 89.	Lands for ordnance service, Woolwich	Local.	
c. 90.	Militia, England (*cont., next page*)	Rep. in part— 51 Geo. 3. c. 118. s. 2. 5 & 6 Will. 4. c. 50. s. 1. 15 & 16 Vict. c. 50. s. 33. 16 & 17 Vict. c. 133. ss. 6, 12. 17 & 18 Vict. c. 105. ss. 32, 48. 23 & 24 Vict. c. 120. s. 26. Stat. Law Rev. Acts, 1872, 1873.	78

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
42 Geo. 3. (*cont.*)			
c. 90.	Militia, England (*cont.*)	Sect. 172. virt. rep. in part, 2 & 3 Vict. c. 59. s. 1. Sect. 107. rep., 36 & 37 Vict. c. 68. s. 4.[a]	
c. 91.	Militia, Scotland	Rep. in part— 51 Geo. 3. c. 118. s. 2. Stat. Law Rev. Acts, 1872, 1873. 36 & 37 Vict. c. 68. s. 4.	129
c. 92.	Aliens	Rep., Stat. Law Rev. Act, 1872.	
c. 93.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 94.	Paper duties	Rep., 2 & 3 Vict. c. 23. s. 67.	
c. 95.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 96.	Excise	Rep., Stat. Law Rev. Act, 1872.	
c. 97.	Use of Clarke's hydrometer	Rep.— 58 Geo. 3. c. 28. s. 1. 6 Geo. 4. c. 105.	
c. 98.	Isle of Man trade	Rep., Stat. Law Rev. Act, 1872.	
c. 99.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 100.	Duties on horses, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 101.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 102.	Tortola trade	Rep., Stat. Law Rev. Act, 1872.	
c. 103.	Repeal, &c. of certain duties	Rep., Stat. Law Rev. Act, 1861.	
c. 104.	Lottery regulations	Rep., Stat. Law Rev. Act, 1872.	
c. 105.	Lord chancellor of Ireland		
c. 106.	Controverted elections	Rep. in part, 7 & 8 Vict. c. 103. s. 1. Rep., Stat. Law Rev. Act, 1872 (temp.).	
c. 107.	Deer stealing, England	Rep., 7 & 8 Geo. 4. c. 27. s. 1.	
c. 108.	Quartering of soldiers	Rep., Stat. Law Rev. Act, 1872.	
c. 109.	Militia, Ireland	Rep., 49 Geo. 3. c. 120. s. 1.	
cc. 110, 111.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 112.	National debt	Rep., Stat. Law Rev. Act, 1861.	
c. 113.	Annuity to lord Hutchinson, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 114.	Southern whale fishery		
c. 115.	Marine mutiny		
c. 116.	Redemption of the land tax	Rep. in part, Stat. Law Rev. Act, 1872.	189
c. 117.	Import & export duties	Rep., Stat. Law Rev. Act, 1861.	
c. 118.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 119.	Suppression of illegal games & lotteries	Rep. in part, Stat. Law Rev. Act, 1872.	274
c. 120.	Appropriation	Rep., Stat. Law Rev. Act, 1872.	
43 Geo. 3. (1802–3).			
c. 1.	Negotiation of notes & bills	Rep., Stat. Law Rev. Act, 1872.	
c. 2.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 3.	Duties on malt, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 4.	Duties on pensions, &c.		
c. 5.	Loans or exchequer bills		
c. 6.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 7.	Navy, victualling & transport bills	Rep., Stat. Law Rev. Act, 1861.	
c. 8.	Baking trade, Dublin	Rep., Stat. Law Rev. Act, 1872.	
c. 9.	Militia pay, Ireland		
c. 10.	Militia, England	- - - - -	277
c. 11.	Drawbacks & bounties	Rep., Stat. Law Rev. Act, 1872.	
cc. 12, 13.	Exportation, &c.		
c. 14.	Trade between Great Britain & Ireland		

[a] Sect. 107., though repealed, is printed in the Volume, having been sent to press before the publication of the repealing Act.

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
43 Geo. 3. (*cont.*)			
c. 15.	Transportation	Rep., 5 Geo. 4. c. 84. s. 29.	
c. 16.	Inquiry into certain frauds & abuses	Rep., Stat. Law Rev. Act, 1872.	
c. 17.	Drawbacks		
c. 18.	Restrictions on cash payments	Rep., 59 Geo. 3. c. 49. s. 1.	
c. 19.	Militia	Rep., Stat. Law Rev. Act, 1861.	
c. 20.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 21.	Stamps	Rep., 52 Geo. 3. c. 126. s. 1.	
c. 22.	Hat duties	Rep., 51 Geo. 3. c. 60.	
c. 23.	Duties on game certificates	Rep., 52 Geo. 3. c. 126. s. 1.	
c. 24.	Duties continuance	Rep., Stat. Law Rev. Act, 1872.	
c. 25.	Parliamentary elections, Ireland	Rep., 31 & 32 Vict. c. 73.	
c. 26.	Annuity to prince of Wales, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 27.	Marine mutiny		
c. 28.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 29.	Continuance of laws	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 30.	Roman catholics relief	Rep., 34 & 35 Vict. c. 48.	
c. 31.	Woods & forests	Rep., 46 Geo. 3. c. 142. s. 1.	
c. 32.	Greenland whale fishery	Rep., Stat. Law Rev. Act, 1872.	
c. 33.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 34.	Actions against certain spiritual persons.	Rep., Stat. Law Rev. Act, 1872.	
c. 35.	Lands for ordnance service, Woolwich	Local.	
c. 36.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 37.	Annuity to admiral Saumarez		
c. 38.	Militia, Great Britain		
c. 39.	Distribution of certain monies paid under treaty		
c. 40.	Loans to Grenada & St. Vincent traders		
c. 41.	Quartering of soldiers		
c. 42.	Duties, &c. on sugar, &c.		
c. 43.	Collection of revenue, Ireland		
c. 44.	Restrictions on cash payments		
c. 45.	Justices of the peace, Nottingham	Rep. in part, Stat. Law Rev. Act, 1872. Residue local.	
c. 46.	Prevention of vexatious arrests, relief of persons imprisoned on mesne process, &c.	Rep. in part, Stat. Law Rev. Act, 1872.	277
c. 47.	Relief of families of militia men, England.	Rep. in part, Stat. Law Rev. Act, 1872.	279
c. 48.	East India company	Rep., Stat. Law Rev. Act, 1861.	
c. 49.	Exportation	Rep., Stat. Law Rev. Act, 1872.	
c. 50.	Militia, Great Britain	Rep. in part, Stat. Law Rev. Act, 1872.	286
c. 51.	Redemption of the land tax	Rep. in part, Stat. Law Rev. Act, 1872.	291
c. 52.	Indemnity for preventing exportation of gunpowder	Rep., Stat. Law Rev. Act, 1872.	
c. 53.	Process, Ireland		
c. 54.	Parochial schools, Scotland	Rep., 35 & 36 Vict. c. 62. s. 78.	
c. 55.	Defence of the realm	Rep., Stat. Law Rev. Act, 1872.	
c. 56.	Passenger vessels	Rep., 4 Geo. 4. c. 84. s. 1.	
c. 57.	Trade during hostilities	Rep., Stat. Law Rev. Act, 1872.	
c. 58.	Malicious shooting or stabbing	Rep.— 9 Geo. 4. c. 31. s. 1. (England). 10 Geo. 4. c. 34. s. 1. (Ireland).	
c. 59.	Repair of county bridges	- - - - -	295
c. 60.	Defects in certain exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 61.	Relief of discharged soldiers & sailors, &c., England.	- - - - -	298

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
43 Geo. 3. (*cont.*)			
c. 62.	Militia, Great Britain	Rep., Stat. Law Rev. Act, 1872.	
c. 63.	East India company		
c. 64.	Supply of seamen		
cc. 65, 66.	Lands for ordnance service	Local.	
c. 67.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 68.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 69.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 70.	Customs	Rep., Stat. Law Rev. Act, 1872.	
c. 71.	Militia, Great Britain		
c. 72.	Militia allowances		
c. 73.	Stamp duties on medicines	Rep. in part, Stat. Law Rev. Act, 1872.	299
c. 74.	Parliamentary elections	Rep.— 17 & 18 Vict. c. 102. s. 1. (temp.). 35 & 36 Vict. c. 33. s. 32. (temp.).	
c. 75.	Estates of lunatics	Rep., 11 Geo. 4. & 1 Will. 4. c. 65. s. 1.	
c. 76.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 77.	Indemnity, Ireland		
c. 78.	Trade between Great Britain & Ireland		
c. 79.	Casting away, &c. of vessels, &c., Ireland.	Rep., 9 Geo. 4. c. 53. s. 1.	
c. 80.	Highways, Scotland	Rep., Stat. Law Rev. Act, 1872.	
c. 81.	Excise		
c. 82.	Defence of the realm, England		
c. 83.	Defence of the realm, Scotland		
c. 84.	Benefices, England	Rep., 57 Geo. 3. c. 99. s. 1.	
c. 85.	Defence of the realm, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 86.	Unlawful combinations of workmen, &c., Ireland.	Rep. in part— 6 Geo. 4. c. 129. s. 2. 9 Geo. 4. c. 53. s. 1. Stat. Law Rev. Act, 1872.	301
c. 87.	Negotiation of notes & bills, Ireland	Rep., 45 Geo. 3. c. 41. s. 1.	
c. 88.	Militia pay, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 89.	Substitutes in militia, Scotland	Rep. in part, Stat. Law Rev. Act, 1872.	309
c. 90.	Southern whale fishery	Rep., Stat. Law Rev. Act, 1861.	
c. 91.	Lotteries	Rep., Stat. Law Rev. Act, 1872.	
c. 92.	Duties, &c., Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 93.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 94.	Militia pay, Great Britain		
c. 95.	Militia allowances		
c. 96.	Defence of the realm, &c.	Rep., 46 Geo. 3. c. 90. s. 1.	
c. 97.	Collection of revenue, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 98.	Collection of revenue, &c., Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 99.	Assessment and collection of taxes, England.	Rep. in part— 6 & 7 Vict. c. 24. s. 3. Stat. Law Rev. Act, 1872.	309
c. 100.	Ballotted men in militia of Great Britain	Rep. in part, 56 Geo. 3. c. 64. s. 1.	330
c. 101.	Defence of the realm, London	Rep., 46 Geo. 3. c. 144. s. 1.	
c. 102.	Caledonian canal	Rep. in part— 11 & 12 Vict. c. 54. s. 1. Stat. Law Rev. Act, 1872. Residue local.	
c. 103.	Bonding of wine	Rep., Stat. Law Rev. Act, 1872.	
c. 104.	Loans to Grenada & St. Vincent traders		
c. 105.	Exportation		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
43 Geo. 3. (*cont.*)			
c. 106.	Loans for erection of parsonages, &c., Ireland.	Rep., 3 & 4 Will. 4. c. 37. s. 1.	
c. 107.	Queen Anne's bounty	-	331
c. 108.	Gifts for building churches, &c., and providing churchyards and glebes.	-	332
c. 109.	Benefices, England	Rep., 57 Geo. 3. c. 99. s. 1.	
c. 110.	Loans for erection of workhouses	Rep., Stat. Law Rev. Act, 1872.	
c. 111.	Friendly societies	Rep., 18 & 19 Vict. c. 63. s. 1.	
c. 112.	Preservation of black game	Rep., 1 & 2 Will. 4. c. 32. s. 1.	
c. 113.	Casting away of vessels, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 114.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 115.	Exciseable goods on the Thames		
c. 116.	Habeas corpus suspension, Ireland		
c. 117.	Suppression of rebellion, &c., Ireland		
c. 118.	Discovery of longitude at sea, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 119.	The chest at Chatham	Rep., 10 Geo. 4. c. 26. s. 1.	
c. 120.	Defence of the realm	Rep., 46 Geo. 3. c. 90. s. 1.	
c. 121.	Yeomanry and volunteer cavalry	Rep., Stat. Law Rev. Act, 1872.	
c. 122.	Income tax		
c. 123.	Defence of the realm, England		
c. 124.	Defence of the realm, Scotland	Rep., Stat. Law Rev. Act, 1861.	
c. 125.	Defence of the realm	Rep., Stat. Law Rev. Act, 1872.	
cc. 126, 127.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 128.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 129.	Adulteration of coffee or cocoa	Rep. in part, Stat. Law Rev. Act, 1872.	335
c. 130.	Duties on auctioneers, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 131.	Customs		
c. 132.	Warehousing of goods	Rep., 4 Geo. 4. c. 24. s. 1.	
c. 133.	Tortola trade, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 134.	Prize goods	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 135.	Assignments under awards of American treaty commissioners	Rep., Stat. Law Rev. Act, 1872.	
c. 136.	Actions, &c. relating to the woollen manufacture		
c. 137.	East India company		
c. 138.	Courts of justice, Canada		
c. 139.	Counterfeiting of foreign bills of exchange, &c.	Rep. in part, 24 & 25 Vict. c. 95. s. 1.	336
c. 140.	Habeas corpus for bringing persons before courts-martial and commissioners.	-	337
c. 141.	Protection of justices of the peace, Scotland.	-	338
c. 142.	Militia, Ireland	Rep., 49 Geo. 3. c. 86. s. 1.	
c. 143.	Protection of governors of counties and constables, &c., Ireland.	-	339
c. 144.	Poor	Rep., Stat. Law Rev. Act, 1872.	
c. 145.	Malt duties, &c., Scotland		
cc. 146, 147.	Loans or exchequer bills		
c. 148.	Exchequer bills		
c. 149.	Grant to the house of Orange		
c. 150.	Assessment and collection of taxes, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872.	341
c. 151.	Cotton manufacture, Scotland	Rep., 5 Geo. 4. c. 96. s. 1.	
c. 152.	Pilots of Dover, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 153.	Importation in neutral vessels, &c.	Rep., 6 Geo. 4. c. 105.	
c. 154.	Countervailing duty	Rep., Stat. Law Rev. Act, 1872.	
c. 155.	Aliens		
c. 156.	Prisage and butlerage of wines		
c. 157.	Smuggling		
c. 158.	Glebe houses, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 159.	Annuity to lord Amherst	Personal.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
43 Geo. 3. (*cont.*)			
c. 160.	Encouragement of seamen, &c.	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 161.	Assessment and collection of house tax	Rep. in part, Stat. Law Rev. Act, 1872.	359
c. 162.	Appropriation	Rep., Stat. Law Rev. Act, 1872.	
44 Geo. 3. (1803–4).			
c. 1.	Restriction on cash payments	Rep., Stat. Law Rev. Act, 1872.	
c. 2.	Relief of certain curates, England		
c. 3.	Bonds of East India company		
c. 4.	Continuance of laws		
c. 5.	Drawbacks		
c. 6.	Negotiation of notes & bills, Ireland	Rep., 45 Geo. 3. c. 41. s. 1.	
c. 7.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 8.	Habeas corpus suspension, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 9.	Suppression of rebellion, &c., Ireland		
c. 10.	Drawbacks		
c. 11.	Distillation of spirits		
c. 12.	Exportation & importation		
c. 13.	Petty officers, &c. of navy arrested on civil process.	Rep. in part, Stat. Law Rev. Act, 1872.	369
c. 14.	Bonding of wines	Rep., Stat. Law Rev. Act, 1872.	
c. 15.	Loans or exchequer bills		
c. 16.	Malt duties		
c. 17.	Duties on pensions, &c.		
c. 18.	Volunteers & yeomanry, Great Britain	Rep., Stat. Law Rev. Act, 1861.	
c. 19.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 20.	Marine mutiny		
c. 21.	Restriction on cash payments, Ireland		
c. 22.	Exportation		
c. 23.	Greenland fishery		
c. 24.	Payment of creditors, Scotland		
c. 25.	Grant of certain crown lands	Private.	
c. 26.	Customs, excise & taxes	Rep., Stat. Law Rev. Act, 1872.	
c. 27.	Countervailing duties		
c. 28.	Duty on malt, Ireland		
c. 29.	Importation		
c. 30.	Importation		
c. 31.	Loans or exchequer bills		
c. 32.	Militia, Ireland		
c. 33.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 34.	Militia, Ireland	Rep., 49 Geo. 3. c. 86. s. 1.	
c. 35.	Importation, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 36.	Bonding of sugar		
c. 37.	Income tax		
c. 38.	Quartering of soldiers		
c. 39.	Militia pay, Great Britain		
c. 40.	Militia allowances		
c. 41.	Militia pay, Ireland		
c. 42.	Linen manufacture, Ireland		
c. 43.	Ages for admission to holy orders	- - - - -	372
c. 44.	Newfoundland trade	Rep., Stat. Law Rev. Act, 1861.	
cc. 45, 46.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
cc. 47, 48.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 49.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 50.	Militia, Great Britain	Rep., Stat. Law Rev. Act, 1872.	
c. 51.	Militia allowances		
c. 52.	Statute duty	Rep., 5 & 6 Will. 4. c. 50. s. 1.	
c. 53.	Customs	Rep., Stat. Law Rev. Act, 1872.	
c. 54.	Yeomanry, Great Britain	Rep. in part, Stat. Law Rev. Acts, 1872, 1873.	373
c. 55.	Excisable liquors, Scotland	Rep., Stat. Law Rev. Act, 1872.	
c. 56.	Defence of the realm, &c.	Rep., 46 Geo. 3. c. 51. s. 1.	
c. 57.	Export duty	Rep., 6 Geo. 4. c. 105.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
44 Geo. 3. (*cont.*)			
c. 58.	Public accounts	Rep., Stat. Law Rev. Act, 1861.	
c. 59.	Certificates of attorneys, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 60.	Parliamentary elections, Aylesbury	Rep., 35 & 36 Vict. c. 33. s. 32. (temp.).	
c. 61.	Sessions house, Westminster, &c.	Rep. in part, 46 Geo. 3. c. 89. s. 2. Residue local.	
c. 62.	Caledonian canal	Rep. in part, 11 & 12 Vict. c. 54. s. 1. Residue local.	
c. 63.	Archbishop's palace, Dublin	Local.	
c. 64.	Prosecutions, &c. relating to the woollen manufacture	Rep., Stat. Law Rev. Act, 1872.	
c. 65.	Exportation & importation		
c. 66.	Defence of the realm, &c.	Rep., 46 Geo. 3. c. 51. s. 1.	
c. 67.	Customs & excise	Rep., Stat. Law Rev. Act, 1872.	
c. 68.	Stamps, Ireland	Rep., 46 Geo. 3. c. 64. s. 1.	
c. 69.	Linen manufacture, Ireland	Rep., 6 Geo. 4. c. 122. s. 1.	
c. 70.	Exportation	Rep., Stat. Law Rev. Act, 1872.	
c. 71.	Counterfeit dollars and tokens	Rep., Stat. Law Rev. Act, 1861.	
c. 72.	East India prize goods	Rep., Stat. Law Rev. Act, 1872.	
c. 73.	Exchequer bills		
c. 74.	Defence of the realm, &c.	Rep., 46 Geo. 3. c. 63. s. 1.	
c. 75.	Enlistment of foreigners	Rep., Stat. Law Rev. Act, 1872.	
c. 76.	Annuity to family of lord Kilwarden		
c. 77.	Confirmation of marriages solemnized in certain churches.	- - - - -	393
c. 78.	Ordnance buildings, Weedon	Local and spent.	
c. 79.	Land, &c. for docks and ordnance service.	Local.	
c. 80.	Civil list	Rep., Stat. Law Rev. Act, 1872.	
c. 81.	Loans or exchequer bills		
c. 82.	Accountant general's office, court of Chancery		
c. 83.	Income tax		
c. 84.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 85.	Import duty	Rep., Stat. Law Rev. Act, 1872.	
c. 86.	British fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 87.	Disputes between masters & workmen, England.	Rep., 5 Geo. 4. c. 96. s. 1.	
c. 88.	Hackney coaches	Rep., 1 & 2 Will. 4. c. 22. s. 1.	
c. 89.	Importation, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 90.	Peace preservation, Ireland		
c. 91.	Issue, &c. of certain promissory notes, Ireland.	Rep., 45 Geo. 3. c. 41. s. 1.	
c. 92.	Apprehension of offenders	Rep., Stat. Law Rev. Act, 1872.	
c. 93.	Lotteries		
c. 94.	Yeomanry, Great Britain	- - - - -	395
c. 95.	Defence of the realm	Rep., 5 & 6 Vict. c. 94. s. 1.	
c. 96.	Defence of the realm, London	Rep., 46 Geo. 3. c. 144. s. 1.	
c. 97.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 98.	Stamp duties on and licences to deal in medicines.	Rep. in part— 52 Geo. 3. c. 150. s. 1. Stat. Law Rev. Act, 1872.	395
c. 99.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 100.	London docks	Rep in part 46. Geo. 3. c. lix. ss. 6, 11. (which is rep., 9 Geo. 4. c. cxvi. s. 1. without a saving). Residue local.	
c. 101.	Exportation	Rep., 3 Geo. 4. c. 44. s. 1.	
c. 102.	Habeas corpus ad testificandum	Rep. in part, Stat. Law Rev. Act, 1861.	400

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
44 Geo. 3. (*cont.*)			
c. 103.	Customs & excise, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 104.	Bonding of spirits, Ireland, &c.		
c. 105.	Collection of revenue, Ireland		
c. 106.	Inquiry into public offices, Ireland		
c. 107.	Purchase for ordnance service	Local and spent.	
c. 108.	Insolvent debtors relief	Rep., Stat. Law Rev. Act, 1872.	
c. 109.	Importation & exportation	Rep., 1 & 2 Geo. 4. c. 87. s. 1.	
c. 110.	Appropriation	Rep., Stat. Law Rev. Act, 1872.	
45 Geo. 3. (1805.)			
c. 1.	Malt duties	Rep., Stat. Law Rev. Act, 1872.	
c. 2.	Duties on pensions, &c.		
c. 3.	Insolvent debtors relief		
c. 4.	Habeas corpus suspension, Ireland		
c. 5.	Taxation		
c. 6.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 7.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 8.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 9.	Greenland whale fishery	Rep., 6 Geo. 4. c. 105.	
c. 10.	Quarantine	Rep., Stat. Law Rev. Act, 1872.	
c. 11.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 12.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 13.	Assessed taxes	Rep., Stat. Law Rev. Act, 1872.	
c. 14.	Salt duties	Rep., Stat. Law Rev. Act, 1861.	
c. 15.	Income tax	Rep., Stat. Law Rev. Act, 1872.	
c. 16.	Mutiny		
c. 17.	Marine mutiny		
c. 18.	Customs		
c. 19.	Excise & taxes, Ireland		
c. 20.	Stamps, Ireland	Rep., 46 Geo. 3. c. 64. s. 1.	
c. 21.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 22.	Duties on malt, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 23.	Drawbacks, &c., Ireland		
c. 24.	Bounties & drawbacks		
c. 25.	Negotiation of notes & bills		
c. 26.	Importation, exportation, &c.		
c. 27.	Exchequer bills		
c. 28.	Duties on legacies charged on real estate	Rep. in part, Stat. Law Rev. Act, 1872.	400
c. 29.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 30.	Excise		
c. 31.	Militia, Great Britain	Rep., Stat. Law Rev. Act, 1872.	
c. 32.	Foreign ships, &c.		
c. 33.	Exportation & importation		
c. 34.	Importation		
c. 35.	Treaty of commerce, &c., with America		
c. 36.	Forces of East India company		
c. 37.	Quartering of soldiers		
c. 38.	Irish militia		
c. 39.	Spirits	Rep., 59 Geo. 3. c. 107. s. 1.	
c. 40.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 41.	Promissory notes, &c., Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 42.	Counterfeiting of bank of Ireland silver tokens, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 43.	Highways, Ireland	Rep., Stat. Law Rev. Act, 1872.	
cc. 44, 45.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 46.	Inquiry into naval departments	Rep., Stat. Law Rev. Act, 1872.	
c. 47.	Inquiry into military departments		
c. 48.	Land tax		
c. 49.	Income tax	Rep., 46 Geo. 3. c. 65. s. 2.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
45 Geo. 3. (*cont.*)			
c. 50.	Sale of spirituous liquors	Rep.— in part, 55 Geo. 3. c. 19. s. 3. residue, 58 Geo. 3. c. 57. s. 1.	
c. 51.	Stamps, Ireland	Rep., 46 Geo. 3. c. 64. s. 1.	
c. 52.	Dealers in exciseable articles	Rep., 47 Geo. 3. Sess. 1. c. 35. s. 1.	
c. 53.	Collection of malt duties, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 54.	Poor	Rep., 4 & 5 Will. 4. c. 76. s. 50.	
c. 55.	Audit of public accounts	Rep., 29 & 30 Vict. c. 39. s. 46.	
c. 56.	Post horse duties	Rep., Stat. Law Rev. Act, 1872.	
c. 57.	Importation & exportation	Rep., 3 Geo. 4. c. 44. s. 1.	
c. 58.	Office of paymaster-general	Rep., Stat. Law Rev. Act, 1872.	
c. 59.	Parliamentary elections, Ireland		
cc. 60, 61.	Militia allowances		
c. 62.	Militia pay, Great Britain		
c. 63.	Militia pay, Ireland		
c. 64.	Harbours, Ireland		
c. 65.	Inquiry into public offices, Ireland		
c. 66.	Preservation of timber trees, &c.		
c. 67.	Duties on Spanish red wine	Rep., Stat. Law Rev. Act, 1861.	
c. 68.	Sailcloth manufacture, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 69.	Estates held for the barrack service		
c. 70.	Inquiry into public expenditure		
c. 71.	Assessment and collection of taxes	Rep. in part, Stat. Law Rev. Act, 1872.	402
c. 72.	Manning of the navy	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 73.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 74.	Lotteries	Rep., Stat. Law Rev. Act, 1872.	
c. 75.	Offices in the court of chancery	Rep., Stat. Law Rev. Act, 1861.	
c. 76.	Civil list, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 77.	Redemption of the land tax	Rep. in part, Stat. Law Rev. Act, 1872.	403
c. 78.	Indemnity for advance to Boyd, Benfield, and Co.	Rep., Stat. Law Rev. Act, 1872.	
c. 79.	Inquiry into losses during the rebellion in Ireland		
c. 80.	Continuance of laws		
c. 81.	Coasting trade	Rep., 5 & 6 Will. 4. c. 19. s. 1.	
c. 82.	Duty on woollen goods	Rep., Stat. Law Rev. Act, 1872.	
c. 83.	Prosecutions, &c. under acts relating to the woollen manufacture		
c. 84.	Queen Anne's bounty	- - - - -	405
c. 85.	Crinan canal	Rep., Stat. Law Rev. Act, 1872.	
c. 86.	Importation & exportation	Rep., 1 & 2 Geo. 4. c. 87. s. 1.	
c. 87.	Bonded warehouses	Rep., 4 Geo. 4. c. 24. s. 1.	
c. 88.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 89.	Forgery of deeds, bank notes, &c.	- - - - -	407
c. 90.	Militia	Rep., Stat. Law Rev. Act, 1872.	
c. 91.	Auditing of public accounts	Rep., Stat. Law Rev. Act, 1861.	
c. 92.	Writs of subpœna in criminal cases	Rep. in part, Stat. Law Rev. Act, 1872.	411
c. 93.	Drawbacks & bounties	Rep., Stat. Law Rev. Act, 1861.	
c. 94.	Duty on hops	Rep., Stat. Law Rev. Act, 1872.	
c. 95.	Assessment and collection of taxes, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872.	412
c. 96.	Southern whale fishery	Rep., 6 Geo. 4. c. 105.	
c. 97.	Indemnity for certain orders of council	Rep., Stat. Law Rev. Act, 1872.	
c. 98.	Drawback on linens	Rep., Stat. Law Rev. Act, 1861.	
c. 99.	Smuggling, &c.	Rep., 6 Geo. 4. c. 105.	
c. 100.	Distillation of spirits	Rep., Stat. Law Rev. Act, 1861.	
c. 101.	Purchase of advowsons by colleges	Rep., Stat. Law Rev. Act, 1872.	
c. 102.	Pilchard fishery	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 103.	Customs	Rep., Stat. Law Rev. Act, 1861.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
45 Geo. 3. (*cont.*)			
c. 104.	Duties on spirituous liquors, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 105.	Assessed taxes	Rep., 47 Geo. 3. sess. 1. c. 21. s. 1.	
c. 106.	Duties on paper	Rep., 5 Geo. 4. c. 55. s. 1.	
c. 107.	Duty on Spanish red wines	Rep., Stat. Law Rev. Act, 1872.	
c. 108.	Customs and excise, Ireland		
c. 109.	Military survey of Ireland	Rep., 33 & 34 Vict. c. 13. s. 4.	
c. 110.	Income tax	Rep., Stat. Law Rev. Act, 1872.	
c. 111.	County infirmaries, Ireland	Rep. in part— 58 Geo. 3. c. 47. s. 4. Stat. Law Rev. Act, 1872.	413
c. 112.	Inquiry into the management of paving of streets, &c., Dublin.	Rep., 47 Geo. 3. sess. 2. c. cix. s. 1.	
c. 113.	Harbour of Howth	Rep., Stat. Law Rev. Act, 1872.	
c. 114.	Harbour of Leith		
c. 115.	Purchase for houses of parliament	Rep. in part, 46 Geo. 3. c. 89. s. 2. Residue local.	
c. 116.	Grant of certain crown lands	Private.	
c. 117.	Proceedings against Luke Fox, esq.	Rep., Stat. Law Rev. Act, 1872.	
cc. 118–120.	Loans or exchequer bills, &c.		
c. 121.	Smuggling	Rep., 6 Geo. 4. c. 105.	
c. 122.	Duties on glass		
c. 123.	Annuity to duke of Atholl & heirs of seventh earl of Derby.	Rep., Stat. Law Rev. Act, 1861.	
c. 124.	Members of parliament	Rep., Stat. Law Rev. Act, 1872.	
c. 125.	Proceedings against viscount Melville		
c. 126.	Indemnity to persons giving evidence against viscount Melville		
c. 127.	British museum	Rep. in part, Stat. Law Rev. Act, 1872. Residue reserved for supplemental volume.	
c. 128.	Bringing of coals, &c. to London, &c.	Rep., 6 Geo. 4. c. 105.	
c. 129.	Appropriation	Rep., Stat. Law Rev. Act, 1872.	
46 Geo. 3. (1806).			
c. 1.	Auditor of the exchequer	Rep., 4 & 5 Will. 4. c. 15. s. 36.	
c. 2.	Duties on malt	Rep., Stat. Law Rev. Act, 1872.	
c. 3.	Duties on pensions, &c.		
c. 4.	Annuity to lady Nelson		
c. 5.	Annuity to sir R. Strachan		
c. 6.	Loans or exchequer bills		
c. 7.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 8.	Marine mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 9.	Greenland whale fishery	Rep., 6 Geo. 4. c. 105.	
c. 10.	Drawbacks upon sugar	Rep., Stat. Law Rev. Act, 1872.	
c. 11.	Exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 12.	Duties and drawbacks, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 13.	Annuity to lord Collingwood, &c.		
c. 14.	Drawbacks, Ireland		
c. 15.	Mutiny		
c. 16.	Treaty of commerce, &c. with America		
c. 17.	Exportation		
c. 18.	Prosecutions, &c. relating to the woollen manufacture		
c. 19.	Militia pay, Great Britain		
cc. 20, 21.	Militia allowances		
c. 22.	Militia pay, Ireland		
c. 23.	Enlistment of foreigners		
c. 24.	Payment of creditors, Scotland		
cc. 25, 26.	Loans or exchequer bills		
c. 27.	Bonding of spirits		
c. 28.	Transportation, &c.		
c. 29.	Continuance of laws		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
46 Geo. 3. (*cont.*)			
c. 30.	Cape of Good Hope trade	Rep., Stat. Law Rev. Act, 1872.	
c. 31.	Irish militia		
c. 32.	Treasury bills, Ireland		
c. 33.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 34.	British fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 35.	Stamps, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 36.	Duty on houses	Rep., Stat. Law Rev. Act, 1872.	
c. 37.	Witnesses refusing to answer	- - - - -	414
c. 38.	Customs & excise	Rep., Stat. Law Rev. Act, 1861.	
c. 39.	Excise	Rep., Stat. Law Rev. Act, 1872.	
c. 40.	Annuity to admiral Duckworth		
c. 41.	Loans or exchequer bills		
c. 42.	Duties on certain goods		
c. 43.	Licences to appraisers	Rep. in part, 33 & 34 Vict. c. 99.	414
c. 44.	Consolidated fund	Rep., Stat. Law Rev. Act, 1861.	
c. 45.	Treasurer of the ordnance		
c. 46.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 47.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 48.	Mutiny	Rep., Stat. Law Rev. Act, 1872.	
c. 49.	Salaries of judges, Scotland		
c. 50.	Extension of lord St. Vincent's annuity	Personal.	
c. 51.	Defence of the realm	Rep., Stat. Law Rev. Act, 1872.	
c. 52.	Slave trade	Rep., Stat. Law Rev. Act, 1861.	
c. 53.	Importation, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 54.	Trial of offences committed at sea	- - - - -	415
c. 55.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 56.	Duties on spirits, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 57.	Malt duties, &c.	Rep., 53 Geo. 3. c. 74. s. 1.	
c. 58.	Customs and excise, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 59.	Packing of butter, Ireland	Rep., 52 Geo. 3. c. 134. s. 1.	
c. 60.	Small livings, Ireland	Rep., 3 & 4 Will. 4. c. 37. s. 1.	
c. 61.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 62.	Duties & drawbacks, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 63.	Defence of the realm, Ireland		
c. 64.	Stamps, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 65.	Income tax	Rep., Stat. Law Rev. Act, 1872.	
c. 66.	Mutiny		
c. 67.	Malt and spirit duties, Ireland		
c. 68.	Dublin paving, &c. inquiry commission	Rep., 47 Geo. 3. sess. 2. c. cix. s. 1.	
c. 69.	Pensions to soldiers	Rep., 7 Geo. 4. c. 16. s. 1.	
c. 70.	Spirit, &c. licences, Ireland	Rep., 47 Geo. 3. sess. 2. c. 12. s. 1.	
c. 71.	Encouragement of mining, Ireland	- - - - -	416
c. 72.	Tortola trade	Rep., 3 Geo. 4. c. 44. s. 1.	
c. 73.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 74.	Importation	Rep., 6 Geo. 4. c. 105.	
c. 75.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 76.	Receiver general of stamps	Rep., Stat. Law Rev. Act, 1872.	
c. 77.	Discovery of longitude at sea, &c.		
c. 78.	Assessed taxes	Rep , Stat. Law Rev. Act, 1861.	
c. 79.	Annuity to duke of Grafton	Personal.	
c. 80.	Expenditure of public money in the West Indies	Rep., Stat. Law Rev. Act, 1872.	
c. 81.	Thread lace manufacture, England		
c. 82.	Fees, port of London, &c.	Rep., 6 Geo. 4. c. 105.	
c. 83.	Post office	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 84.	Taxation	Rep., 56 Geo. 3. c. 66. s. 11.	
c. 85.	East India company	Rep., Stat. Law Rev. Act, 1872.	
c. 86.	Vesting of Norwich castle and gaol in justices of Norfolk, &c.	Local.	
c. 87.	Customs, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 88.	Duties on spirits, Ireland, &c.	Rep., 1 & 2 Will. 4. c. 55. s. 54.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter	Reason for total or partial omission.	Page.
46 Geo. 3. (*cont.*)			
c. 89.	Purchase for houses of parliament, &c.	Local.	
c. 90.	Appointment of deputy lieutenants of counties as vice lieutenants, &c.	Rep. in part, Stat. Law Rev. Act, 1872	418
c. 91.	Militia	Rep., Stat. Law Rev. Act, 1872.	
c. 92.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 93.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872.	
c. 94.	Duties of prisage and butlerage, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 95.	Hospitals and infirmaries, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 96.	Highways, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 97.	Free interchange of grain between Great Britain & Ireland.	Rep., Stat. Law Rev. Act, 1861.	
c. 98.	Quarantine, Great Britain	Rep., Stat. Law Rev. Act, 1872.	
c. 99.	Bounty on exportation	Rep , 50 Geo. 3. c. 40. s. 1.	
c. 100.	Greenwich hospital	Rep., 10 Geo. 4. c. 26. s. 1.	
c. 101.	Chest of Greenwich	Rep., 10 Geo. 4. c. 26. s. 1.	
c. 102.	Duties on stills, &c., Scotland	Rep., Stat. Law Rev. Act, 1861.	
c. 103.	Importation	Rep., Stat. Law Rev. Act, 1872.	
c. 104.	Bringing of coals to London & Westminster	Rep., 6 Geo. 4. c. 105.	
c. 105.	Fortifications, Portsmouth and Dover	Local	
c. 106.	Challenge of jurors in excise trials, Ireland.	Rep. in part, Stat. Law Rev. Act, 1872.	419
c. 107.	Land tax, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 108.	Insolvent debtors relief	Rep., Stat. Law Rev. Act, 1872.	
c. 109.	Bounty on sugar, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 110.	Bounty on silk manufactures	Rep., Stat. Law Rev. Act, 1861.	
c. 111.	Neutral ships	Rep., Stat. Law Rev. Act, 1872	
c. 112.	Excise	Rep., Stat. Law Rev. Act, 1872	
c. 113.	Importation	Rep., Stat. Law Rev. Act, 1872	
c. 114	Drawback	Rep., Stat. Law Rev. Act, 1861.	
c. 115.	Exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 116.	Exportation	Rep , 6 Geo. 4. c. 105.	
c. 117.	Importation	Rep., Stat. Law Rev. Act, 1872.	
c. 118.	Purchase of quays in port of London	Local.	
c. 119.	Slave trade	Rep., Stat. Law Rev. Act, 1872.	
c. 120.	Duties, bounties, &c., Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 121.	Importation	Rep., Stat. Law Rev. Act, 1872.	
c. 122.	Education, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 123.	Sale of crown rents, Ireland	Rep., 3 Geo. 4. c. 63. s. 1.	
c. 124.	Irish militia	Rep., Stat. Law Rev. Act, 1861.	
c. 125.	Yeomanry and volunteers	Rep , Stat. Law Rev. Act, 1872.	
c. 126.	Quartering of soldiers	Rep , Stat. Law Rev. Act, 1872.	
c. 127.	Navy	Rep., 11 Geo. 4. & 1 Will. 4. c. 20. s. 1.	
c. 128.	Masters in chancery	Rep., Stat. Law Rev. Act, 1861.	
c. 129.	Chancery court	Rep., 32 & 33 Vict. c. 91. s. 34.	
c. 130.	Docks, &c. at Chatham, &c.	Local and spent.	
c. 131.	Composition for a crown debt	Personal.	
c. 132.	Cape Rock lighthouse, Scotland	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 133.	Land tax redemption	Rep., Stat. Law Rev. Act, 1872.	
c. 134.	Highways, Ireland	Rep., Stat. Law Rev. Act, 1872.	
c. 135.	Bankrupts	Rep.— 6 Geo. 4. c. 16. ss. 1, 135. (England). 6 & 7 Will. 4. c. 14. ss. 1, 161. (Ireland).	
c. 136.	Stage coaches, &c.	Rep., 50 Geo. 3. c. 48. s. 1.	
c. 137.	Bonding warehouses	Rep., 6 Geo. 4. c. 105.	
cc. 138, 139.	Excise	Rep., Stat. Law Rev. Act, 1872.	
c. 140.	Pay of militia & yeomanry	- - - - -	419
c. 141.	Audit of public accounts	Rep., 29 & 30 Vict. c. 39. s. 46.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
46 Geo. 3. (*cont.*)			
c. 142.	Woods and forests	Rep., Stat. Law Rev. Act, 1861.	
c. 143.	Windsor forest	Rep. in part, 47 Geo. 3. sess. 2. c. 46. s. 1. Residue local.	
c. 144.	Defence of the realm, London	Rep., Stat. Law Rev. Act, 1872.	
c. 145.	Annuities to members of the royal family		
c. 146.	Annuity to lord Nelson, &c.	Personal.	
c. 147.	Annuity to lord Rodney	Rep., Stat. Law Rev. Act, 1872.	
c. 148.	Recovery, &c. of penalties under lottery laws.	Rep. in part, Stat. Law Rev. Act, 1872.	420
c. 149.	Appropriation	Rep., Stat. Law Rev. Act, 1872.	
c. 150.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 151.	Crown lands	Rep., Stat. Law Rev. Act, 1861.	
c. 152.	Actions, &c. for buying oak bark, &c.	Rep., Stat. Law Rev. Act, 1872.	
c. 153.	Erection of piers in harbours, &c.	- - - - -	421
c. 154.	Court of exchequer, Scotland	Rep., Stat. Law Rev. Act, 1872.	
c. 155.	Canals, &c., Scotland		
c. 156.	British fisheries		
c. 157.	Estates of Grenada and St. Vincent traders	Rep. in part, 48 Geo. 3. c. 135. s. 1. Residue personal.	
c. 158.	Estates of Grenada and St. Vincent traders.	Personal.	
47 Geo. 3. Sess. 1. (1806-7.)			
c. 1.	Controverted elections	Rep., 9 Geo. 4. c. 22. s. 1.	
c. 2.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 3.	Duties on malt		
c. 4.	Duties on pensions, &c.		
c. 5.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 6.	Irish militia	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 7.	Interchange of grain between Great Britain and Ireland.	Rep., Stat. Law Rev. Act, 1861.	
c. 8.	Arms & gunpowder, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 9.	Exportation	Rep., 6 Geo. 4. c. 105.	
c. 10.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 11.	Cape of Good Hope trade		
c. 12.	Customs, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 13.	Accounts, &c. of barrack master general	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 14.	Controverted elections, Ireland	Rep. in part— 9 Geo. 4. c. 22. s. 1. 7 & 8 Vict. c. 103. s. 1. Rep., Stat. Law Rev. Act, 1872 (No. 2) (temp.).	
c. 15.	Army & navy	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 16.	Sale of crown rents, &c., Ireland	Rep., 3 Geo. 4. c. 63. s. 1.	
c. 17.	Auction duties, Ireland	Rep., 54 Geo. 3. c. 82. s. 3.	
c. 18.	Excise duties & taxes, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 19.	Drawbacks, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 20.	Drawbacks	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 21.	Assessed taxes, Ireland	Rep., 56 Geo. 3. c. 57. s. 1.	
c. 22.	Bounties on sugar	Rep., 6 Geo. 4. c. 105.	
c. 23.	South Sea company	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 24.	Importation		
cc. 25, 26.	Importation	Rep., 6 Geo. 4. c. 105.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
47 Geo. 3. Sess. 1. (*cont.*)			
c. 27.	Excise	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 28.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 29.	Bounties, Great Britain	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 30.	Exportation		
c. 31.	Importation, Ireland		
c. 32.	Mutiny		
c. 33.	Marine mutiny		
c. 34.	Bringing of coals, &c. to London and Westminster		
c. 35.	Excise, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 36.	Abolition of slave trade		
c. 37.	Depredations on the Thames	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 38.	Paper duties, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 39.	Annuity to branches of royal family	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 40.	Duties, &c. on malt, &c., Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 41.	Inquiry into fees, &c. in public offices, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 42.	Lighting, &c. of cities & towns, Ireland		
c. 43.	Servants wages, Ireland	Rep., 6 Geo. 4. c. 129. s. 2.	
c. 44.	Hospitals, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 45.	Collieries, Ireland, &c.		
c. 46.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 47.	Prize	Rep., Stat. Law Rev. Act, 1861.	
c. 48.	Bonding of coffee, &c.	Rep., 6 Geo. 4. c. 105.	
c. 49.	Exportation		
c. 50.	Stamps, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 51.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 52.	Greenwich hospital	Rep., 10 Geo. 4. c. 26. s. 1.	
c. 53.	Regrating and ingrossing of oaken bark	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 54.	Quartering of soldiers		
c. 55.	Charge of loan	Rep., Stat. Law Rev. Act, 1861.	
c. 56.	Treasurer to the navy	Rep., 11 Geo. 4. & 1. Will. 4. c. 42. s. 1.	
47 Geo. 3. Sess. 2. (1807.)			
c. 1.	Importation and exportation, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 2.	Treaty of commerce, &c. with America		
c. 3.	Indemnity in respect of a certain order in council		
c. 4.	Annuity to major-general sir J. Stuart		
c. 5.	Kilmainham hospital pensions	Rep., 7 Geo. 4. c. 16. s. 1.	
cc. 6, 7.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 8.	Recoveries in copyhold or customary courts.	Rep., 11 Geo. 4. & 1. Will. 4. c. 65. s. 1.	
c. 9.	Lotteries	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 10.	Export of salted beef, &c., Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 11.	Assessed taxes, &c., Ireland		
c. 12.	Sale of liquors by retail, Ireland	Rep.— in part, 55 Geo. 3. c. 19. s. 3. residue, 58 Geo. 3. c. 57. s. 1.	
c. 13.	Insurrection & disturbances, Ireland	Rep., 50 Geo. 3. c. 78.	
c. 14.	Excise & stamps, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 15.	Duty on and assay of plate wrought in Ireland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	422
c. 16.	Importation & exportation, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 17.	Duties on spirits, Ireland	Rep., 1 & 2 Will. 4. c. 55. s. 54.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
47 Geo. 3. Sess. 2. (*cont.*)			
c. 18.	Countervailing duties, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 19.	Rectifying of spirits, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 20.	Commissioners of the treasury		
c. 21.	Annuities, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 22.	Fisheries, Ireland		
c. 23.	Grant for glebe houses, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 24.	Crown lands, escheats	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 25.	Payment of half pay and pensions, &c. of officers in the army, and their widows, &c.	- - - - -	428
c. 26.	Militia pay, &c., Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 27.	Importation	Rep., 6 Geo. 4. c. 105.	
c. 28.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 29.	Militia pay, Great Britain		
c. 30.	Excise, &c., Great Britain	Rep., Stat. Law Rev. Act, 1861.	
cc. 31, 32.	Militia allowances	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 33.	Inquiry into military departments		
c. 34.	Importation & exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 35.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 36.	British Museum	Reserved for supplemental volume.	
c. 37.	Excise	Rep., Stat. Law Rev. Act, 1872 (No. 2.)	
c. 38.	Trade between North American colonies and United States		
c. 39.	Public accountants, &c.	Rep., 29 & 30 Vict. c. 39. s. 46.	
c. 40.	Practice in court of chancery	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 41.	Borrowing by East India company	Rep., Stat. Law Rev. Act, 1873.	
c. 42.	Police magistrates, metropolis	Rep., 51 Geo. 3. c. 119. s. 1.	
c. 43.	Prosecutions, &c. relating to the woollen manufacture	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 44.	Sierra Leone company		
c. 45.	Grant of Frogmore, &c.	Private and spent.	
c. 46.	Windsor forest boundary commission	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 47.	Duties on calicoes, &c.		
c. 48.	Customs and excise, Ireland		
c. 49.	Drawback		
c. 50.	County infirmaries, Ireland	- - - - -	431
c. 51.	British fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 52.	Duty on coffee, &c. warehoused	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 53.	Post office	Rep., Stat. Law Rev. Act, 1861.	
c. 54.	Possession of arms, Ireland	Rep., 6 & 7 Vict. c. 74. s. 61.	
c. 55.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 56.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 57.	Militia, Great Britain	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 58.	Exportation, Ireland	Rep., 6 Geo. 4. c. 105.	
c. 59.	Post office	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 60.	Purchase of quays in port of London	Local and spent.	
c. 61.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 62.	Drawbacks	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 63.	Excise duties & drawbacks	Rep., Stat. Law Rev. Act, 1861.	
c. 64.	Bounty on British calicoes	Rep., 6 Geo. 4. c. 105.	
c. 65.	Auction duty	Rep., Stat. Law Rev. Act, 1861.	
c. 66.	Smuggling	Rep., 6 Geo. 4. c. 105.	
c. 67.	Importation	Rep., 31 & 32 Vict. c. 45. s. 71.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
47 Geo. 3. Sess. 2. (*cont.*)			
c. 68.	Establishment of public banks in India	Rep. in part, Stat. Law Rev. Act, 1872 (No.	433
c. 69.	Discharge from a crown debt	Personal.	
c. 70.	Shorncliffe military canal, &c.	Local.	
c. 71.	Militia, Great Britain	Rep., 56 Geo. 3. c. 64 s. 1.	
c. 72.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 73.	Loans or exchequer bills		
c. 74.	Debts of traders	Rep., 11 Geo. 4 & 1 Will. 4. c. 47. s. 1.	
c. 75.	Benefices	Rep., 48 Geo. 3. c. 5.	
c. 76.	Appropriation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 77.	Agreement for exchange of certain crown lands	Private.	
c. 78.	Lord Powerscourt's mansion, Dublin		
48 Geo. 3. (1808).			
c. 1.	Issue & payment of exchequer bills	Rep., 29 & 30 Vict. c. 25. s. 1.	
c. 2.	Duties on malt, &c.	Rep., Stat Law Rev. Act, 1861.	
c. 3.	Advance from bank of England	Rep., Stat. Law Rev. Act, 1870.	
c. 4.	Advance of a portion of unclaimed dividends, &c.	Rep', 24 & 25 Vict. c. 3. s. 1.	
c. 5.	Benefices	Rep , Stat. Law Rev. Act, 1872 (No. 2).	
c. 6.	Treaty of commerce, &c. with America		
c. 7.	Exchequer bills		
c. 8.	Treasurer of the navy	Rep., 11 Geo. 4 & 1 Will. 4. c. 42. s. 1.	
c. 9.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 10.	Distillation of spirits, Scotland	Rep., Stat. Law Rev. Act. 1872 (No. 2).	
c. 11.	Importation	Rep., 6 Geo. 4. c. 105.	
c. 12.	Bounties on sugar		
c. 13.	Annuity to viscount Lake, &c.		
c. 14.	Marine mutiny		
c. 15.	Mutiny		
cc. 16, 17.	Bounties & drawbacks	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 18.	Duties on cinnamon, &c.		
c. 19.	Importation		
c. 20.	Greenland whale fisheries, &c.		
c. 21.	Investment of certain money		
c. 22.	Exportation, &c.	Rep., 6 Geo. 4. c. 105.	
cc. 23, 24.	Importation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 25.	Payment of creditors, Scotland		
c. 26.	Customs		
c. 27.	Exportation & importation		
c. 28.	Customs		
c. 29.	Exportation		
c. 30.	Trade between Ireland & the East Indies	Rep., Stat. Law Rev. Act, 1861.	
c. 31.	Counterfeiting of tokens, &c.		
c. 32.	Bonding warehouses, Ireland	Rep., 4 Geo. 4. c. 24. s. 1.	
cc. 33–35.	Exportation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 36.	Malt duties		
c. 37.	Validity of certain orders in council, &c.		
c. 38.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 39.	Quartering of soldiers	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 40.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 41.	Excise & stamps	Rep., Stat. Law Rev. Act, 1861.	
c. 42.	Assessed taxes, Ireland	Rep., 56 Geo. 3. c. 57. s. 1.	
c. 43.	Drawbacks	Rep., Stat. Law Rev. Act, 1872 (No. 2).	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
48 Geo. 3. (*cont.*)			
c. 44.	Exportation	Rep., 6 Geo. 4. c. 105.	
c. 45.	Militia pay, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 46.	Militia pay, Great Britain		
c. 47.	Limitation of suits for land by the crown, &c.; relief of rectors, &c. from arrears of rents due to crown, &c., Ireland.		435
c. 48.	Enlargement of post office, Dublin	Local.	
c. 49.	Accounts of paymaster general	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 50.	Grants of offices in reversion, &c.		
cc. 51, 52.	Militia allowances		
cc. 53, 54.	Exchequer bills		
c. 55.	Allowances to collectors of assessed taxes; rules for charging house tax, &c.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	438
cc. 56, 57.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 58.	Bail on indictments in King's bench; assignment of bail in the king's suit to the king, &c.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	444
c. 59.	Annuity to duchess of Brunswick Wolfenbuttel	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 60.	Tanners, curriers, shoemakers, &c.		
c. 61.	Inquiry into military departments		
c. 62.	Customs & excise, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 63.	Duties on auctions, Ireland	Rep., 54 Geo. 3. c. 82. s. 3.	
c. 64.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 65.	Church building, &c., Ireland	Rep., 3 & 4 Will. 4. c. 37. s. 1.	
c. 66.	Benefices, Ireland	Rep., 5 Geo. 4. c. 91. s. 1.	
c. 67.	Customs	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 68.	Bounty on pilchards	Rep., Stat. Law Rev. Act, 1861.	
c. 69.	Exportation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 70.	British ships captured by the enemy	Rep., 4 Geo. 4. c. 41. s. 1.	
c. 71.	Amendment of cc. 26, 28, of this session	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 72.	Forest of Dean & New Forest	Local.	
c. 73.	Crown lands	Rep. in part, 55 Geo. 3. c. 190. s. 1. Rep., except as to duchy of Lancaster, 10 Geo. 4. c. 50. s. 1. So far as unrepealed, private.	
c. 74.	Malt duties	Rep., Stat. Law Rev. Act, 1861.	
c. 75.	Burial of dead bodies cast on shore	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	446
c. 76.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 77.	Londonderry school	Private.	
c. 78.	Malt, &c. duties, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 79.	Malt duties, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 80.	Customs, Ireland, &c.		
c. 81.	Duties on spirits, Ireland	Rep., 1 & 2 Will. 4. c. 55. s. 54.	
c. 82.	Excise, Ireland	Rep., 59 Geo. 3. c. 107. s. 1.	
c. 83.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 84.	Smuggling, &c.	Rep., 6 Geo. 4. c. 105.	
c. 85.	Trade with America	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 86.	British fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 87.	Hackney coach fares	Rep., 1 & 2 Will. 4. c. 22. s. 1.	
c. 88.	Restraint on negotiation of promissory notes, &c. under 20*s*.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	449
c. 89.	Accounts of expenditure in barrack office.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 90.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
48 Geo. 3. (*cont.*)			
c. 91.	Accounts of public expenditure in West Indies.	Rep., Stat. Law Rev. Act, 1861.	
c. 92.	Charges of management of stock redeemed.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 93.	Killing of game by gamekeepers	Rep., 1 & 2 Will. 4. c. 32. s. 1.	
c. 94.	Shooting hares, Scotland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 95.	Bringing of coals to London, &c.	Rep., 6 Geo. 4. c. 105.	
c. 96.	Lunatic paupers or criminals	Rep., 9 Geo. 4. c. 40. s. 1.	
c. 97.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 98.	Post horse duties		
c. 99.	Prize goods	Rep., Stat. Law Rev. Act, 1861.	
c. 100.	Prize	Rep., 27 & 28 Vict. c. 23. s. 1	
c. 101.	Exercising ground, Chatham	Local.	
c. 102.	Land tax	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 103.	Enlargement of capital of bank of Ireland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	453
c. 104.	Pilots & pilotage	Rep., 52 Geo. 3. c. 39. s. 1.	
c. 105.	Cape of Good Hope trade	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 106.	Continuation of acts expiring before passing of continuance act.		456
c. 107.	Defence of the realm	Rep., Stat. Law Rev. Act, 1861.	
c. 108.	Compensation to certain patentee officers, Ireland.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 109.	Trade with South America	Rep., 6 Geo. 4. c. 105.	
c. 110.	British white herring fishery	Rep. in part— 55 Geo. 3. c. 94. s. 21. 31 & 32 Vict. c. 45. s. 71. Stat. Law Rev. Act, 1872 (No. 2).	457
c. 111.	Local militia, England	Rep., 52 Geo. 3. c. 38. s. 1.	
c. 112.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 113.	Sale of old court houses, &c., Ireland		472
c. 114.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 115.	Duties on spirits		
c. 116.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 117.	Duties upon silks	Rep., Stat. Law Rev. Act, 1861.	
c. 118.	Distillation of spirits	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 119.	Duties on spirits	Rep., Stat. Law Rev. Act, 1861.	
cc. 120, 121.	Duties on spirits and coffee		
c. 122.	Property occupied for the barrack service, &c.		
c. 123.	Discharge of certain imprisoned debtors	Rep., 32 & 33 Vict. c. 83. s. 20.	
c. 124.	Southern whale fisheries	Rep., 6 Geo. 4. c. 105.	
c. 125.	Importation	Rep., 3 Geo. 4. c. 44. s. 1.	
c. 126.	Removal of goods for exportation, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 127.	Confirmation of marriages solemnized in certain churches.		473
c. 128.	Settlement of regimental accounts, &c.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	475
c. 129.	Larceny	Rep., Stat. Law Rev. Act, 1861.	
c. 130.	Frauds by boatmen within the cinque ports, &c.	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 131.	Actions, &c. relating to the woollen manufacture.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 132.	Reprisals against foreign ships, &c.	Rep., 27 & 28 Vict. c. 23. s. 1.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
48 Geo. 3. (*cont.*)			
c. 133.	First meetings of commissioners to execute certain acts	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 134.	Hops		
c. 135.	Estates of Grenada and St. Vincent traders.	Personal.	
c. 136.	Militia of Tower Hamlets	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 137.	Purchase for houses of parliament, &c.	Local.	
c. 138.	Commissioners of teinds, and augmentation of parochial stipends, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	476
c. 139.	Lotteries	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 140.	Administration of justice, and prevention of felonies in Dublin police district.	Rep. in part— 5 Geo. 4. c. 102. ss. 15, 20. Stat. Law Rev. Acts, 1872 (No. 2), 1873.	479
c. 141.	Assessment and collection of taxes	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	488
c. 142.	Granting of life annuities by national debt commissioners.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	502
c. 143.	Duties on certain licences	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 144.	Oyster fisheries, England	Rep., Stat. Law Rev. Act, 1873.	
c. 145.	Pensions and salaries of judges, Scotland.		504
c. 146.	Public buildings, Scotland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 147.	Sale of the Danish prize ship Constantia Maria		
c. 148.	Appropriation		
c. 149.	Stamp duties on probates, inventories, &c.	Rep. in part— 33 & 34 Vict. c. 99. Stat. Law Rev. Act, 1872 (No. 2).	506
c. 150.	Local militia, Scotland	Rep., 52 Geo. 3. c. 68. s. 1.	
c. 151.	Procedure in court of session, and appeals to House of Lords, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	511
c. 152.	Duties on wort or wash	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
49 Geo. 3. (1809).			
c. 1.	Duties on malt, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
cc. 2, 3.	Exchequer bills		
c. 4.	Militia, Great Britain	Rep., Stat. Law Rev. Act, 1861.	
c. 5.	Militia, Ireland		
c. 6.	Relief of prisoners for debt	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 7.	Distillation of spirits		
c. 8.	Importation		
c. 9.	Importation	Rep., Stat. Law Rev. Act, 1861.	
c. 10.	Bounties on sugar	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 11.	Bounties, &c. on sugar		
c. 12.	Mutiny		
c. 13.	Forgery of bank of Ireland notes, &c.	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 14.	Concealment of birth, Scotland		514
c. 15.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 16.	Importation	Rep., 3 Geo. 4. c. 119. s. 7.	
c. 17.	Cape of Good Hope trade	Rep., 6 Geo. 4. c. 105.	
c. 18.	Importation, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 19.	Marine mutiny		
c. 20.	Silk manufactures		
c. 21.	National debt	Rep., Stat. Law Rev. Act, 1870.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
49 Geo. 3. (*cont.*)			
c. 22.	Importation, &c.	Rep., 3 Geo. 4. c. 44. s. 1.	
c. 23.	Exportation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 24.	Distillation of spirits		
cc. 25, 26.	Importation		
c. 27.	Annexation of Labrador to Newfoundland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	515
c. 28.	Attorneys	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 29.	Flax seed, Ireland		
c. 30.	Exportation		
c. 31.	Exportation		
c. 32.	Duty on pensions and offices of profit	Rep. in part, Stat. Law Rev Act, 1872 (No. 2).	516
c. 33.	Excise, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 34.	Prize		
c. 35.	Pensions of naval officers' widows	Rep., 10 Geo. 4. c. 14. s. 1.	
c. 36.	Public infirmaries, Ireland	Rep., except as to county of city of Dublin, Stat. Law Rev. Act, 1872 (No. 2). So far as unrepealed, local.	
c. 37.	Quartering of soldiers	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 38.	Payment of creditors, Scotland		
c. 39.	Fortifications, Portsmouth and Dover	Local.	
c. 40.	Local militia, England	Rep., 52 Geo. 3. c. 38. s. 1.	
c. 41.	Re-captured British-built ships	Rep., 4 Geo. 4. c. 41. s. 1.	
c. 42.	Regulation of public records, Scotland	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	519
c. 43.	Average price of brown sugar	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 44.	Exemption from duties	Rep., Stat. Law Rev. Act, 1861.	
c. 45.	Compassionate list of the navy, &c.	Rep., 11 Geo. 4. & 1 Will. 4. c. 20. s. 1.	
c. 46.	Customs	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 47.	Trade between Europe & British North America.	Rep., 51 Geo. 3. c. 97. s. 1.	
c. 48.	Local militia, Scotland	Rep., 52 Geo. 3. c. 68. s. 1.	
c. 49.	Trade of Nova Scotia, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 50.	Discount on newspapers	Rep., 6 & 7 Will. 4. c. 76. s. 32.	
c. 51.	Inquiry into the fees received in public offices, &c., in Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 52.	Exchequer bills		
c. 53.	Militia, Great Britain	Rep., 56 Geo. 3. c. 64. s. 1.	
c. 54.	Insolvent debtors relief, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 55.	Land tax		
c. 56.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 57.	Beer & malt, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 58.	Friendly societies, Ireland	Rep., 18 & 19 Vict. c. 63. s. 1.	
c. 59.	Trade between Great Britain & United States.	Rep., 6 Geo. 4. c. 105.	
c. 60.	Importation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 61.	Duty on sugar, &c.	Rep., 6 Geo. 4. c. 105.	
c. 62.	Smuggling, customs regulations, &c.		
c. 63.	Excise	Rep., 1 & 2 Vict. c. 44. s. 93.	
c. 64.	Reduction of national debt	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 65.	Customs	Rep., 6 Geo. 4. c. 105	
c. 66.	Offices of excise	Rep., Stat. Law Rev. Act, 1861.	
c. 67.	Land tax	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 68.	Bastardy		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter	Reason for total or partial omission.	Page.
49 Geo. 3. (*cont.*)			
c. 69.	Indemnity with reference to certain printed books.	Rep., Stat. Law Rev. Act, 1861.	
c. 70.	Enlargement of post office, Dublin	Local.	
c. 71.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 72.	Wide streets & coal trade, Dublin	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 73.	Duties on spirits, Ireland		
c. 74.	Duties, drawbacks, &c., Ireland		
c. 75.	Taxes on carriages, &c., Ireland	Rep., 56 Geo. 3. c. 57. s. 1.	
c. 76.	Exportation, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 77.	Excise	Rep., 55 Geo. 3. c. 112. s. 1.	
c. 78.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 79.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 80.	Excise		
c. 81.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 82.	Local militia, Great Britain	Rep., see— 52 Geo. 3. c. 38. s. 1. (England). 52 Geo. 3. c. 68. s. 1. (Scotland).	
c. 83.	Recognizances in criminal cases, &c., Ireland.	Rep., 57 Geo. 3. c. 56. s. 1.	
c. 84.	Highways, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 85.	Militia pay, Ireland		
c. 86.	Militia, Ireland	Rep., 51 Geo. 3. c. 78. s. 1.	
c. 87.	Militia & local militia pay, Great Britain	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
cc. 88, 89.	Militia allowances		
c. 90.	Relief of families of militia men, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	523
c. 91.	Trial of civil causes by justices of assise in their own counties.	- - - - -	536
c. 92.	Charge of loans	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 93.	Exchequer bills		
c. 94.	Lotteries		
c. 95.	Auditing of public accounts	Rep., Stat. Law Rev. Act, 1861.	
c. 96.	Officers of excise		
c. 97.	Lands for ordnance service	Local.	
c. 98.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 99.	Spirits, Ireland	Rep., Stat. Law Rev. Act, 1872 (No 2).	
c. 100.	Auction duties, Ireland	Rep., 54 Geo. 3. c. 82. s. 3.	
c. 101.	Fees on criminal prosecutions, Ireland	Rep. in part, 14 & 15 Vict. c. 57. s. 1.	536
c. 102.	Inquiry concerning drainage of bogs, &c., Ireland.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 103.	Building of churches, &c., Ireland	Rep., 3 & 4 Will. 4. c. 37. s. 1.	
c. 104.	Life annuities, Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 105.	Importation		
c. 106.	Warehoused goods	Rep., Stat. Law Rev. Act, 1861.	
c. 107.	Penalties & forfeitures incurred in British America.	Rep., 6 Geo. 4. c. 105.	
c. 108.	Wages & prize money, &c. in the navy	Rep., 11 Geo. 4. & 1 Will. 4. c. 20. s. 1.	
c. 109.	Woollen manufacture	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 110.	Duty on pensions and offices of profit	- - - - -	540
c. 111.	Inquiry into military departments	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 112.	Lands for defence of the realm	Rep., Stat. Law Rev. Act, 1861.	
c. 113.	Volunteers & local militia	Rep., 52 Geo. 3. c. 152. s. 1.	
c. 114.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 115.	Insolvent debtors relief		
c. 116.	Customs & excise, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 117.	Excise, Great Britain		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
49 Geo. 3. (*cont.*)			
c. 118.	Parliamentary elections	Rep., 17 & 18 Vict. c. 102. s. 1. (temp.).	
c. 119.	Inquiry concerning administration of justice in Scotland, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 120.	Militia, Ireland	Rep. in part— 51 Geo. 3. c. 118. s. 2. 17 & 18 Vict. c. 107. s. 31. Stat. Law Rev. Acts, 1872 (No. 2), 1873. 36 & 37 Vict. c. 68. s. 4.	540
c. 121.	Bankrupts, England & Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 122.	Frauds by boatmen & others, &c.	Rep., 9 & 10 Vict. c. 99. s. 2.	
c. 123.	Prize money	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 124.	Suspension of orders of removal or vagrant passes, &c.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	575
c. 125.	Friendly societies	Rep., 18 & 19 Vict. c. 63. s. 1.	
c. 126.	Prevention of sale and brokerage of offices.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	576
c. 127.	Salaries of chief baron & other judges	Rep., Stat. Law Rev. Act, 1861.	
c. 128.	Appropriation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 129.	Militia, Great Britain	Rep., see— 52 Geo. 3. c. 38. s. 1. (England). 52 Geo. 3. c. 68. s. 1. (Scotland).	
50 Geo. 3. (1810).			
c. 1.	Duties on malt, &c.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
cc. 2, 3.	Exchequer bills		
c. 4.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 5.	Distillation of spirits	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 6.	Cornwall duchy	Private.	
c. 7.	Mutiny	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 8.	Annuity to duke of Wellington	Personal.	
c. 9.	Bounty on raw sugar	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 10.	Clandestine running of goods, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 11.	Greenland whale fishery	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
cc. 12, 13.	Importation and exportation		
c. 14.	Marine mutiny		
c. 15.	Duties on spirits, Ireland		
cc. 16, 17.	Exportation and importation, Ireland		
cc. 18, 19.	Exportation & importation, Great Britain, &c.		
c. 20.	Quarantine	Rep., 6 Geo. 4. c. 105.	
c. 21.	Importation and exportation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 22.	Purchase of quays in port of London	Local and spent.	
c. 23.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 24.	Militia, Great Britain	Rep., 56 Geo. 3. c. 64. s. 1.	
c. 25.	Militia, Great Britain	Rep.— in part— 52 Geo. 3. c. 38. s. 1. (England). 52 Geo. 3. c. 68. s. 1. (Scotland). residue, 26 & 27 Vict. c. 65. s. 51.	
c. 26.	Exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 27.	Silk manufacture, Ireland	Rep., 5 Geo. 4. c. 66.	
c. 28.	Quartering of soldiers	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 29.	Highways, Ireland		
c. 30.	Fees of coroners, Ireland	Rep., 1 Geo. 4. c. 28. s. 1.	
c. 31.	Salaries of lords of session, Scotland	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	582

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
50 Geo. 3. (*cont.*)			
c. 32.	Stage coaches, &c., Ireland	Rep., 13 & 14 Vict. c. 102. s. 60.	
c. 33.	Grants of land for endowment of schools, Ireland.		583
c. 34.	Exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 35.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 36.	National debt	Rep., Stat. Law Rev Act, 1870.	
c. 37.	Annuity to duke of Brunswick Wolfenbuttel.	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 38.	Bonded warehouses, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 39.	Repayment of duty in certain cases	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 40.	Bounty on exportation	Rep., 6 Geo. 4. c. 105.	
c. 41.	Hawkers' licences	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	585
c. 42.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 43.	Highland roads & bridges, Scotland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 44.	Excise officers	Rep., Stat. Law Rev. Act, 1861.	
c. 45.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 46.	Consumption of malt liquors, Ireland	Rep., 52 Geo. 3. c. 46. s. 19.	
c. 47.	Insolvent debtors, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 48.	Stage coaches, &c., Great Britain	Rep., 2 & 3 Will. 4. c. 120. s. 1.	
c. 49.	Accounts of churchwardens and overseers of the poor.		588
c. 50.	Relief of the poor	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 51.	Bastards	Rep., Stat. Law Rev. Act, 1861.	
c. 52.	Poor	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 53.	Frauds on exportation		
c. 54.	British fisheries	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 55.	Importation	Rep , 6 Geo. 4. c. 105.	
c. 56.	Duty on pensions and offices of profit		591
c. 57.	Flax, &c. manufactures, Great Britain	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 58.	Redemption of the land tax	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	593
c. 59.	Embezzlement of public money by collectors, &c.		594
c. 60.	Exportation	Rep., Stat. Law Rev. Act, 1861.	
c. 61.	Duty on sugar, &c.	Rep., 6 Geo. 4. c. 105.	
c. 62.	Smuggling		
c. 63.	Exportation	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 64.	Exportation	Rep., 4 Geo. 4. c. 24. s. 1.	
c. 65.	Crown lands	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 66.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 67.	Black game in Somersetshire & Devonshire.	Rep., 1 & 2 Will. 4. c. 32. s. 1.	
c. 68.	National debt	Rep., Stat. Law Rev. Act, 1870.	
cc. 69, 70.	Exchequer bills	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 71.	Charges of the loan, &c. of the present session.	Rep., Stat. Law Rev. Act, 1861.	
c. 72.	Howth harbour, Dublin	Rep. in part, 4 Geo. 4. c. 74. s. 19. Residue local.	
c. 73.	Baking trade	Rep., Stat. Law Rev. Act, 1861.	
c. 74.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 75.	Window duty, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 76.	Stamps, Ireland		
c. 77.	Customs		
c. 78.	Suppression of insurrection, &c., Ireland	Rep., Stat. Law Rev. Act, 1872 (No. 2).	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
50 Geo. 3. (*cont.*)			
c. 79. -	Distilling of spirits, Scotland -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 80. -	Importation - - - -		
c. 81. -	Fees in public offices, &c., Ireland -		
c. 82. -	Sale of flax & hemp seed, Ireland -	- - - - -	595
c. 83. -	Woollen manufacture - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 84. -	Augmentation of parochial stipends, Scotland.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	596
c. 85. -	Security by persons appointed to public offices.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	603
c. 86. -	East India company - - -	Rep., 58 Geo. 3. c. 83. s. 1.	
c. 87. -	Courts-martial on troops of East India company.	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	605
c. 88. -	Grants of offices in reversion - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 89. -	Militia pay, Ireland - - -		
c. 90. -	Militia & local militia pay, Great Britain - - - -		
cc. 91, 92. -	Militia allowances - - -		
c. 93. -	Holyhead harbour - - -	Local.	
c. 94. -	Lotteries - - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 95. -	Lighthouses, Ireland - - -	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 96. -	Quartering of soldiers - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 97. -	Importation & exportation, Ireland -		
c. 98. -	Treasury bills, Ireland - - -		
c. 99. -	Making of malt, &c., Ireland - -	Rep., 1 & 2 Will. 4. c. 55. s. 54.	
c. 100. -	Fines on stills, Ireland - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 101. -	Purchase of prisage & butlerage, Ireland - - - -		
c. 102. -	Administering unlawful oaths, &c., Ireland.	Rep. in part— 28 & 29 Vict. c. 33. s. 4. Stat. Law Rev. Act, 1872 (No. 2).	606
c. 103. -	Prisons, Ireland - - -	Rep., 7 Geo. 4. c. 74. s. 1.	
c. 104. -	Assessed taxes - - - -	Rep., 32 & 33 Vict. c. 14. s. 39.	
c. 105. -	Assessment and collection of taxes -	Rep. in part, Stat. Law Rev. Act, 1872 (No. 2).	609
c. 106. -	Income tax, &c. - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 107. -	Clothing of the army, &c. - -		
c. 108. -	Engagement of sailors for sea fisheries, &c.	Rep. in part, 31 & 32 Vict. c. 45. s. 71.	621
c. 109. -	Arms, Ireland - - - -	Rep., 6 & 7 Vict. c. 74. s. 61.	
c. 110. -	Bringing of coals, &c. to London & Westminster.	Rep., 6 Geo. 4. c. 105.	
c. 111. -	Pensions, Scotland - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 112. -	Extracting decrees, & procedure in court of session, Scotland.	Rep. in part— 1 & 2 Geo. 4. c. 38. s. 17. Stat. Law Rev. Act, 1872 (No. 2).	625
cc. 113, 114.	Exchequer bills - - -	Rep., Stat. Law Rev. Act, 1872 (No. 2).	
c. 115. -	Appropriation - - - -		
c. 116. -	New Forest - - - -	Local.	
c. 117. -	Public salaries, &c. - - -	Rep., 4 & 5 Will. 4. c. 24. s. 8.	
c. 118. -	Admiralty and prize courts - -	Rep., 3 & 4 Vict. c. 66. s. 2.	
c. 119. -	Purchase for houses of parliament, &c.	Local.	
51 Geo. 3. (1811).			
c. 1. -	Care of the King during his illness, &c. - - - - -	Rep., Stat. Law Rev. Act, 1873.	
c. 2. -	Duties on malt, &c. - - -		
cc. 3, 4. -	Exchequer bills - - -		
c. 5. -	Treasury bills, Ireland - - -		
c. 6. -	Census, Great Britain - - -		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
51 Geo. 3. (*cont.*)			
c. 7.	Silk manufacture	Rep., 5 Geo. 4. c. 66.	
c. 8.	Mutiny	Rep., Stat. Law Rev. Act, 1873.	
c. 9.	Marine mutiny		
c. 10.	Wide streets, Dublin		
c. 11.	Coal duty, Dublin		
c. 12.	Drawbacks, &c. on sugar		
c. 13.	Bounties, &c. on sugar		
c. 14.	Exportation & importation		
c. 15.	Exchequer bills		
c. 16.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 17.	Indemnity for acts done for completing militia	Rep., Stat. Law Rev. Act, 1873.	
c. 18.	Indemnity		
c. 19.	Inquiry into expenditure, &c. in military departments, &c.		
c. 20.	Militia	Rep., Stat. Law Rev. Act, 1861.	
c. 21.	Grants of pensions	Rep., 4 & 5 Will. 4. c. 24. s. 8.	
c. 22.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 23.	Slave trade	Rep., Stat. Law Rev. Act, 1861.	
c. 24.	Clearance of vessels, port of London	Rep., Stat. Law Rev. Act, 1873.	
c. 25.	Payment of creditors, Scotland		
c. 26.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 27.	Malt, &c. duties	Rep., Stat. Law Rev. Act, 1873.	
c. 28.	Quartering of soldiers		
c. 29.	Bringing of coals, &c. to London & Westminster		
c. 30.	Militia, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 31.	Duty on copper	Rep., Stat. Law Rev. Act, 1873.	
c. 32.	Excise	Rep., Stat. Law Rev. Act, 1861.	
c. 33.	British calicoes	Rep., Stat. Law Rev. Act, 1873.	
c. 34.	Southern whale fishery	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 35.	Advances by bank of Ireland	Rep., Stat. Law Rev. Act, 1870.	
c. 36.	Execution of justice within the cinque ports.	- - - - -	641
c. 37.	Marriage of lunatics	- - - - -	646
c. 38.	Embezzlement, Ireland	Rep., 9 Geo. 4. c. 53. s. 1.	
c. 39.	Stealing from bleaching grounds, Ireland		
c. 40.	Highways, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 41.	Stealing of linen, &c.	- - - - -	646
c. 42.	Distillers of spirits	Rep., Stat. Law Rev. Act, 1873.	
c. 43.	Duties on certain woods, &c.	Rep., 6 Geo. 4. c. 105.	
c. 44.	Duty on linen		
c. 45.	Ships rooms in St. John's, Newfoundland, &c.	Rep., Stat. Law Rev. Act, 1873.	
c. 46.	Quarantine		
c. 47.	Commercial treaty, Portugal		
c. 48.	Importation	Rep., 6 Geo. 4. c. 105.	
c. 49.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 50.	Exportation	Rep., 6 Geo. 4. c. 105.	
c. 51.	Prisage & butlerage of wines, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 52.	Customs	Rep., 6 Geo. 4. c. 105.	
cc. 53, 54.	Exchequer bills	Rep., Stat. Law Rev. Act, 1873.	
c. 55.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 56.	Duties on tobacco		
c. 57.	Exportation		
c. 58.	Importation	Rep.— in part, 4 Geo. 4. c. 69. s. 28. residue, 6 Geo. 4. c. 105.	
c. 59.	Duties on spirits	Rep., Stat. Law Rev. Act, 1861.	
c. 60.	Duties on hats, &c. repeal, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 61.	Charge of loan	Rep., Stat. Law Rev. Act, 1861.	
c. 62.	Importation	Rep., 6 Geo. 4. c. 105.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
51 Geo. 3. (*cont.*)			
c. 63.	Punishment of offenders, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 64.	Bonds of East India company	Rep. in part, Stat. Law Rev. Act, 1873.	648
c. 65.	Printers and publishers	Rep., 32 & 33 Vict. c. 24. s. 1.	
c. 66.	Dublin harbour, &c.	Rep. in part— 52 Geo. 3. c. 115. s. 1. 17 & 18 Vict. c. 120. s. 4. So far as unrepealed, local.	
cc. 67, 68.	Customs duties	Rep., Stat. Law Rev. Act, 1861.	
c. 69.	Duties on glass	Rep., 1 & 2 Vict. c. 44. s. 93.	
c. 70.	Duty on hats, &c. repeal, Great Britain	Rep., Stat. Law Rev. Act, 1873.	
c. 71.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 72.	Assessed taxes	Rep., Stat. Law Rev. Act, 1861.	
c. 73.	Naval arsenals	Rep., 54 Geo. 3. c. 159. s. 1.	
c. 74.	Prize goods	Rep., Stat. Law Rev. Act, 1861.	
c. 75.	Officers in service of East India company.	Rep. in part, Stat. Law Rev. Act, 1873.	649
c. 76.	Horse duty	Rep., Stat. Law Rev. Act, 1873.	
c. 77.	Parliamentary elections, Ireland	Rep., 34 & 35 Vict. c. 48.	
c. 78.	Relief of families of militia men, Ireland	Rep. in part, Stat. Law Rev. Act, 1873.	649
c. 79.	Lunatic paupers, &c., England	Rep., 9 Geo. 4. c. 40. s. 1.	
c. 80.	Apprenticeship indentures	Rep., Stat. Law Rev. Act, 1873.	
c. 81.	Inquiry into fees, &c. in public offices, &c., Ireland		
c. 82.	Rock salt	Rep., Stat. Law Rev. Act, 1861.	
c. 83.	Drawback of duty on coals used in certain mines, &c.	Rep., 1 & 2 Geo. 4. c. 67. s. 1.	
c. 84.	Parliamentary elections	Rep., Stat. Law Rev. Act, 1873.	
c. 85.	Exchequer bills	Rep., Stat. Law Rev. Act, 1873.	
c. 86.	Exportation & importation		
c. 87.	Colouring of porter	Rep., 56 Geo. 3. c. 58. s. 1.	
c. 88.	Treasury bills, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 89.	Salary of lord lieutenant, Ireland	Rep., Stat. Law Rev. Act, 1861.	
c. 90.	Militia pay, Ireland	Rep., Stat. Law Rev. Act, 1873.	
c. 91.	Crown lands, Ireland		
c. 92.	Highways, Ireland		
c. 93.	Duties on Norway timber	Rep., Stat. Law Rev. Act, 1861.	
c. 94.	Preservation of timber	Rep., Stat. Law Rev. Act, 1873.	
c. 95.	Excise, &c.		
c. 96.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 97.	Trade between Europe & North American colonies.	Rep., 3 Geo. 4. c. 45. s. 1.	
c. 98.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 99.	Qualification of electors by purchase of land tax.	Rep., Stat. Law Rev. Act, 1873.	
c. 100.	Trial of offences committed in counties of cities, &c.	- - - - - -	658
c. 101.	British white herring fishery	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 102.	Discharge from a crown debt	Personal.	
c. 103.	Retirement of officers on half-pay	Rep. in part, Stat. Law Rev. Act, 1873.	659
c. 104.	Forfeited & unclaimed prize money	Rep., 54 Geo. 3. c. 86. s. 1.	
c. 105.	Devise of lands to royal naval asylum	Rep., 10 Geo. 4. c. 26. s. 1.	
c. 106.	Army	Rep., 2 & 3 Will. 4. c. 97.	
c. 107.	Militia and local militia pay, Great Britain	Rep., Stat. Law Rev. Act, 1873.	
cc. 108, 109.	Militia allowances		
c. 110.	Counterfeiting of bank of England tokens.	Rep., Stat. Law Rev. Act, 1861.	
c. 111.	Manufacture of Maidstone geneva, &c.	Rep., Stat. Law Rev. Act, 1873.	
c. 112.	Exchequer bills		
c. 113.	Lotteries		

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
51 Geo. 3. (*cont.*)			
c. 114. -	Service of regiment of miners in any part of United Kingdom.	Rep. in part, Stat. Law Rev. Act, 1873.	660
c. 115. -	Gifts for building churches, &c., and providing churchyards and glebes.	- - - - -	662
c. 116. -	Tower burial ground - - -	Local.	
c. 117. -	Appropriation - - - -	Rep., Stat. Law Rev. Act, 1873.	
c. 118. -	Service of militia in any part of United Kingdom.	Rep. in part— 22 & 23 Vict. c. 38. s. 1. Stat. Law Rev. Act, 1873.	664
c. 119. -	Justice of the peace, metropolis -	Rep., Stat. Law Rev. Act, 1873.	
c. 120. -	Prevention of deer stealing, England -	Rep., 7 & 8 Geo. 4. c. 27. s. 1.	
c. 121. -	Drawbacks on spirits - - -	Rep., Stat. Law Rev. Act, 1873.	
c. 122. -	Inquiry into drainage of bogs, Ireland		
c. 123. -	Insolvent debtors relief, Ireland -		
c. 124. -	Frivolous arrests - - -		
c. 125. -	Insolvent debtors relief, England -		
c. 126. -	Westminster, parliamentary elections -		
c. 127. -	Gold currency & bank of England notes - - - -		
c. 128. -	Militia - - - - -		

THE STATUTES

(REVISED).

THE STATUTES—REVISED EDITION.

TABLE

SHOWING

THE EXTENT TO WHICH THE PUBLIC ACTS OF THE PERIOD COMPRISED IN VOLS. I. TO VIII. (INCLUSIVE) OF THE REVISED EDITION OF THE STATUTES HAVE BEEN REPEALED BY ACTS PASSED SUBSEQUENTLY TO THE PUBLICATION OF THOSE VOLUMES.

By Authority.

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R. 9
159

R. 9. 84

TABLE

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TENT TO WHICH THE PUBLIC ACTS OF THE PERIOD COMPRISED IN VOLS. I. VIII. (INCLUSIVE) OF THE REVISED EDITION OF THE STATUTES HAVE BEEN EALED BY ACTS PASSED SUBSEQUENTLY TO THE PUBLICATION OF THOSE UMES.

ate, and ter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME I.		**Vol. I.**
c. 1. - *ice for tices.*	Administration of justice, &c.	From "and to the intent that our justices" to the end of the chapter.	34 & 35 Vict. c. 48.	p. 171.
. -	Oath of justices of oyer and terminer, &c.	The whole - - -	34 & 35 Vict. c. 48.	p. 172.
(1) - *of the ces.*	Oath of justices of the bench.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as reserved for supplemental volume.
(2) - *of the s of ery.*	Chancery oath - -	The whole - - -		
(3) -	Disqualification of lawyers and sheriffs from being returned as knights of shires.	The whole - - -	Stat. Law Rev. Act, 1871.	p. 217.
c. 2. -	Corrupt appointment to offices.	The whole - - -	34 & 35 Vict. c. 48.	p. 236.
St. 1.	Qualification and oath of justices of the peace.	From "and that the said justices" to the end of the chapter.	34 & 35 Vict. c. 48.	p. 242.
. 15. -	Election of knights of shires.	The whole - - -	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 281.
. 7. -	Qualification of electors and knights of shires.	From "and such as have the greatest number" to "shall lose their wages," and from "and that in every writ" to the end of the chapter.	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 306.
c. 14. -	Election of members of Parliament.	The whole - - -	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 341.
. -	Supremacy of the Crown in ecclesiastical and spiritual matters.	Sections ten to thirteen -	34 & 35 Vict. c. 48.	p. 576.
. -	Regulations as to servants, artificers, labourers, & apprentices.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 598.
12. -	Swearing of undersheriffs, &c.	Section one,(4) from "for and concerning the supremacie" to "other corporall othe," and so much of section three (5) as relates to the oath of supremacy.	34 & 35 Vict. c. 48.	p. 652.
2. -	Relief of the poor -	So much as relates to the taxation of an occupier of saleable underwoods.	37 & 38 Vict. c. 54. s. 14.	p. 670.

(1) dw. 3. st. 4., Ruff.
(2) dw. 3. st. 5., Ruff.
(3) Part of 46 Edw. 3., Ruff. (App.)
(4) Sect. 2, Ruff.
(5) Sect. 4, Ruff.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME I.—*continued.*		Vol. I.
1[1] Ja. 1. c. 21.	Sale, &c. of stolen goods to pawnbrokers.	The whole	35 & 36 Vict. c. 93. s. 4. (see terms of repeal).	p. 683.
21 Ja. 1. c. 7.	Repression of drunkenness.	So much as was unrepealed	35 & 36 Vict. c. 94. s. 75.	p. 699.
13 Cha. 2. St. 2. c. 1.	Regulation of municipal corporations.	The whole	34 & 35 Vict. c. 48.	p. 738.
14[2] Cha. 2. c. 4.	Uniformity of public prayers, &c.	So much of section six[3] as was unrepealed; section eight;[4] and section thirteen,[5] except so far as it relates to the colleges of Westminster, Winchester, and Eton, or any governor or head thereof.	34 & 35 Vict. c. 26. s. 8.	p. 742.
		Section seven,[6] from "that it is not lawful" to "commissionated by him and." (This section seven is the same as section six repealed by 34 & 35 Vict. c. 26. s. 8.)	34 & 35 Vict. c. 48.	
c. 12.	Relief of the poor	Sections fifteen to eighteen	35 & 36 Vict. c. 92. s. 13.	p. 752.
		VOLUME II.		Vol. II.
1 Will. & Mar.[7] c. 1.	Declaring the convention to be the Parliament.	Except section one	34 & 35 Vict. c. 48.	Omitted, except sect. 1, as rep. in part, Stat. Law Rev. Act, 1867, and virt. rep. in part.
c. 8.	Oaths of allegiance and supremacy.	The whole	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
c. 18.	Toleration of Protestant dissenters.	Except section five,[8] and so much of section eight[9] as specifies the service and offices from which certain persons are exempt, and section fifteen.[10]	34 & 35 Vict. c. 48.	p. 4. (Omitted in part, as virt. rep.)
c. 21.	Commissioners for office of lord chancellor, &c.	Section nine[11]	34 & 35 Vict. c. 73. s. 4.	p. 7.
2 Will. & Mar.[12] c. 5.	Sale of goods distrained for rent.	So much as requires any sheriff or undersheriff or constable to be aiding and assisting at any distress for rent, or to swear any appraiser thereat.	35 & 36 Vict. c. 92. s. 13.	p. 15.
3 Will. & Mar. c. 2.	Oaths of allegiance and supremacy in Ireland.	The whole	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
7 & 8 Will. 3. c. 3.	Trials for treason and misprision of treason.	Section ten, from "mentioned in an Act" to the end of that section.[13]	34 & 35 Vict. c. 48.	p. 41. (Part repealed printed small, as virt. rep.)
c. 25.	Election of members of Parliament.	Sections three and four, and section five down to "writing the same."	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 50. (Omitted in part, as virt. rep.)
8 & 9 Will. 3.[14] c. 20.	Enlargement of capital of Bank of England.	Sections sixty-two and sixty-nine.	Stat. Law Rev. Act, 1871.	p. 58. (Sect. 62 omitted, as virt. rep.)

(1) 2 [vulgo 1], Ruff.
(2) 13 & 14, Ruff.
(3) Sects. 6 to 10, Ruff.
(4) Sect. 12, Ruff.
(5) Sect. 17, Ruff.
(6) Sect. 9, Ruff.
(7) 1 Will. & Mar. Sess. 1., Ruff.
(8) Sect. 7, Ruff.
(9) Sect. 11, Ruff.
(10) Sect. 18, Ruff.
(11) Sect. 10, Ruff.
(12) 2 Will. & Mar. Sess. 1., Ruff.
(13) This part of sect. 10 forms part of sect. 11, Ruff.
(14) In Ruff., 8 Will. 3. in the general heading.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME II.—*continued.*		Vol. II.
9 Will. 3.(1) c. 27.	Hawkers - - -	The whole - - -	Stat. Law Rev. Act, 1871.	Omitted, as rep., 50 Geo. 3. c. 41. s. 1.
c. 32.(2) -	Marriage - -	The whole - - -	Stat. Law Rev. Act, 1871.	Omitted, as rep. in part, Stat. Law Rev. Act, 1867, and residue virt. rep.
c. 41. -	Embezzlement of public stores, &c.	So much as was unrepealed	38 & 39 Vict. c. 25. s. 18.	p. 73.
c. 44. -	National debt: Establishment of East India Company.	Section thirty-five (3) -	Stat. Law Rev. Act, 1871.	Sect. 35 omitted, a virt. rep.
10(4) Will. 3. c. 7.	Returns at parliamentary elections.	So much as was unrepealed	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 83.
12 & 13 Will. 3. c. 10.	Taxation: Members of Parliament.	Section eighty-nine (5) -	37 & 38 Vict. c. 22.	p. 100.
1 Ann.(6) c. 2.(7)	Demise of the Crown: Abatement.	Section six, so far as relates to the extension of the Act 7 & 8 Will. 3. c. 27. to Ireland.	Stat. Law Rev. Act, 1871.	p. 105. (Words in sect. 6 referring to 7 & 8 Will. 3. c. 27. omitted.)
c. 26.(8) -	Crown lands (forfeited estates).	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as private.
1 Ann. St. 2. c. 21. (9).	Treason - - -	Except section three -	34 & 35 Vict. c. 48.	Omitted, except sect. 3, as rep. in part, Stat. Law Rev. Act, 1867, and virt. rep. in part.
4 & 5 Ann. c. 3.(10)	Amendment of the law, &c.	Section twenty - -	Stat. Law Rev. Act, 1871.	p. 128.
6 Ann. c. 11.(11) -	Union of England and Scotland.	Section four, so far as it ratifies, approves, and confirms article twenty-two, from "and that when" to the end of that article.	34 & 35 Vict. c. 48.	p. 134. (Section 4, so far as it ratifies, &c. the part of art. 22 referred to, treated as virt. rep., and the part of art. 22 omitted.)
c. 20. (12) -	Yorkshire: West Riding registry.	Section nine (13) - -	Stat. Law Rev. Act, 1871.	Sect. 9 omitted, as virt. rep.
c. 66. (14) -	Security of the Sovereign and government, &c.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
c. 78. (15) -	Election of Scotch representative peers, &c.	Section four - - -	34 & 35 Vict. c. 48.	p. 191.
8 Ann. c. 15. -	Security of the Sovereign and government, &c.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as rep. in part, Stat. Law Rev. Act, 1867, and residue virt. rep.
9 Ann. c. 11. (16)	Establishment of General Post Office.	Except the last two sections.	Stat. Law Rev. Act, 1871.	p. 221. (Omitted in part, as rep., 7 Will. 4. & 1 Vict. c. 32. s. 1, and virt. rep.)
		Section forty-five (17) -	37 & 38 Vict. c. 22.	
10 Ann. c. 6. (18)	Toleration of Protestant dissenters.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
c. 10. (19) -	Protection of Scotch Episcopalians.	Section three - - -	34 & 35 Vict. c. 48.	Sect. 3 omitted, as virt. rep.
c. 18. (20) -	Taxation: Parliamentary elections.	Section one hundred and ninety-eight.(21)	37 & 38 Vict. c. 22.	p. 230.
c. 21. (22) -	Rights of patrons of benefices in Scotland.	The whole - - -	37 & 38 Vict. c. 82. s. 3.	p. 231.
13 Ann. c. 20. (23)	Thames navigation: Coal measure.	Sections thirteen and fourteen.(24)	Stat. Law Rev. Act, 1871.	Omitted, as virt. rep. in part, and residue local.

(1) In Ruff., 9 & 10 Will. 3. in the running headings from c. 6.
(2) c. 35., Ruff.
(3) Sect. 45, Ruff.
(4) 10 & 11 in the running headings, Ruff.
(5) Sect. 91, Ruff.
(6) 1 Ann., St. 1., Ruff.
(7) c. 8., Ruff.
(8) c. 32., Ruff.
(9) c. 17., Ruff.
(10) 4 Ann. c. 16., Ruff.
(11) 5 Ann. c. 8., Ruff.
(12) 5 Ann. c. 18., Ruff.
(13) Part of sect. 8, Ruff.
(14) c. 14., Ruff.
(15) c. 23., Ruff.
(16) c. 10., Ruff.
(17) Sect. 44, Ruff.
(18) c. 2., Ruff.
(19) c. 7., Ruff.
(20) c. 19., Ruff.
(21) Sect. 182, Ruff.
(22) c. 12., Ruff.
(23) 12 Ann. St. 2. c. 17., Ruff.
(24) Sects. 11, 12, Ruff.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME II.—*continued.*		Vol. II.
1 Geo. 1. St. 2. c. 6.	Recovery of tithes from Quakers.	Except section two - -	34 & 35 Vict. c. 48.	Omitted, except sect. 2, as rep. in part, Stat. Law Rev. Act, 1867, and virt. rep. in part.
c. 13. -	Security of the Sovereign and government: Succession of the crown.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
c. 20. -	Treason in Scotland -	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as rep. in part, Stat. Law Rev. Act, 1867, and residue virt. rep.
c. 26. -	Continuance of laws, &c.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as rep. in part, Stat. Law Rev. Act, 1867, and residue virt. rep.
5 Geo. 1. c. 4. -	Religious worship -	The whole - - -	Stat. Law Rev. Act, 1871.	Omitted, as virt. rep.
c. 29. -	Presentation of benefices in Scotland.	Except section eight, to "vacant church," and from "who is then or shall be" to the end of the section, and section nine.	34 & 35 Vict. c. 48.	Omitted, except the parts saved from repeal, as rep. in part, Stat. Law Rev. Act, 1867, and virt. rep. in part.
7 Geo. 1. St. 1. c. 13.	Regulation of journeymen tailors within the weekly bills of mortality.	Sections four and six -	38 & 39 Vict. c. 86. s. 17.	Omitted, as local.
8 Geo. 1. c. 6. -	Affirmations by Quakers.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
9 Geo. 1. c. 8. -	Continuance of laws: Preservation of public stores, &c.	So much as was unrepealed.	38 & 39 Vict. c. 25. s. 18.	p. 309.
c. 27. -	Frauds by journeymen shoemakers.	Section four - - -	38 & 39 Vict. c. 86. s. 17.	p. 312.
11 Geo. 1. c. 18. -	Elections in city of London, &c.	Section two to "rejected and disallowed."	34 & 35 Vict. c. 48.	Omitted, as local.
12 Geo. 1. c. 4. -	Continuance of duties on malt: Exportation of malt, &c.	The whole - - -	Stat. Law Rev. Act, 1875.	p. 330.
c. 32. -	Funds of suitors in Chancery.	The whole - - -	35 & 36 Vict. c. 44. s. 26.	p. 337.
c. 33. -	Relief of suitors in Chancery.	The whole - - -	35 & 36 Vict. c. 44. s. 26.	p. 348.
c. 34. -	Combinations of workmen in woollen manufactures, &c.	So much of section two as relates to departing from service and quitting or returning work before it is finished.	38 & 39 Vict. c. 86. s. 17.	p. 349.
2 Geo. 2. c. 24. -	Corrupt practices at parliamentary elections.	Sections three and nine -	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 361.
c. 25. -	Punishment of perjury	Section five - - -	Stat. Law Rev. Act, 1871.	Sect. 5 omitted, as virt. rep.
5 Geo. 2. c. 18. -	Qualification of justices of the peace.	Section two - - -	34 & 35 Vict. c. 18. s. 1.	p. 375.
9 Geo. 2. c. 26. -	Oaths of allegiance: Indemnity, &c.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
13 Geo. 2. c. 8. -	Frauds, &c. of workmen, &c.	Sections seven and eight -	38 & 39 Vict. c. 86. s. 17.	p. 442.
15 Geo. 2. c. 30. -	Marriages of lunatics	The whole - - -	Stat. Law Rev. Act, 1873.	p. 463.
17 Geo. 2. c. 40. -	Continuance of laws: Embezzlement of public stores, &c.	Section ten - - -	38 & 39 Vict. c. 25. s. 18.	p. 479.
18 Geo. 2. c. 18. -	Elections of knights of the shire.	Section five from "or shall vote more than once," to the end of that section, and sections nine to sixteen.	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 483.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME II.—*continued.*		Vol. II.
19 Geo. 2. c. 28. -	Parliamentary elections in counties of cities, &c.	Section four from "or shall vote more than once," to end of that section, and sections six to twelve.	35 & 36 Vict. c. 33. s. 32. (temp.)	pp. 506, 733.
c. 39. -	Disarming the Highlands, &c.	The whole - - -	34 & 35 Vict. c. 48.	Omitted, as virt. rep.
20 Geo. 2. c. 19. -	Recovery of wages: Regulation of servants and apprentices.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 510.
c. 43. -	Abolition of heritable jurisdictions in Scotland, &c.	Sections twenty-three and forty-four, and so much of section twenty-nine as relates to the taking of oaths.	34 & 35 Vict. c. 48.	Sects. 23, 44, and repealed part of sect. 29, omitted, as virt. rep.
21 Geo. 2. c. 34. -	Evidence on trials for theft of cattle in Scotland.	Except section twenty -	34 & 35 Vict. c. 48.	Omitted, except sect. 20, as rep. in part, Stat. Law Rev. Act, 1867, and virt. rep. in part.
22 Geo. 2. c. 27. -	Frauds by persons employed in hat, woollen, &c. manufactures.	Sections ten and eleven -	Stat. Law Rev. Act, 1871.	Sects. 10, 11, omitted, as virt. rep.
c. 46. -	Continuance of laws: Return of writs in counties palatine of Chester and Lancaster, &c.	The whole - - -	Stat. Law Rev. Act, 1871.	p. 544.
25 Geo. 2. c. 37. -	Prevention of murder	Sections one and eleven -	Stat. Law Rev. Act, 1871.	Sects. 1, 11, omitted, as virt. rep.
27 Geo. 2. c. 6. -	Extension of 20 Geo. 2. c. 19 to stannaries.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 606.
31 Geo. 2. c. 11. -	Settlement of apprentices, &c.	Section three - - -	38 & 39 Vict. c. 86. s. 17.	p. 622.
3 Geo. 3. c. 15. -	Parliamentary elections: Occasional freemen.	Section seven - - -	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 652.
4 Geo. 3. c. 31. -	Indemnity: Preservation of trees.	The whole Act, except section six so far as it relates to Scotland.	34 & 35 Vict. c. 48.	p. 656. (Omitted, except sect. 6, as virt. rep. in part.)
5 Geo. 3. c. 49. -	Issue of notes, &c. by Scotch banks.	Section eight - - -	Stat. Law Rev. Act, 1871.	Sect. 8 omitted, as virt. rep.
c. 51. -	Cloth manufactures in Yorkshire.	Section twenty - -	38 & 39 Vict. c. 86. s. 17.	p. 680.
6 Geo. 3. c. 23. -	Cloth manufactures in Yorkshire.	Section fourteen - -	Stat. Law Rev. Act, 1871.	Sect. 14 omitted, as virt. rep.
c. 25. -	Apprentices, &c. -	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 703.
c. 32. -	Robbery, &c., and muirburn in Scotland.	The whole - - -	Stat. Law Rev. Act, 1871.	Omitted, as rep. in part, Stat. Law Rev. Act, 1867, and residue virt. rep.
c. 53. -	Treason - - -	Except section three -	34 & 35 Vict. c. 48.	Omitted, except sect. 3, as rep. in part, and virt. rep. in part.
10 Geo. 3. c. 45. -	Distemper among cattle.	The whole - - -	Stat. Law Rev. Act, 1871.	Omitted, as rep., 6 Geo. 4. c. 105.
c. 50. -	Prosecution of suits: Privilege of Parliament.	The last section so far as the same extends 12 & 13 Will. 3. c. 3. to Scotland.	Stat. Law Rev. Act, 1871.	p. 722. (Words in sect. 6 referring to 12 & 13 Will. 3. c. 3. omitted, as virt. rep.)

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME III.		Vol. III.
11 Geo. 3. c. 52. -	Isle of Man harbours -	The whole - - -	35 & 36 Vict. c. 23. s. 33.	p. 2.
c. 55. -	Parliamentary elections, New Shoreham.	The whole - - -	35 & 36 Vict. c. 33. s. 32. (temp.)	Omitted, as local.
13 Geo. 3. c. 31. -	Criminal law - -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as rep., 11 & 12 Vict. c. 42. s. 34.
14 Geo. 3. c. 83. -	Government of province of Quebec.	Sections three, four, six, and seven; section eleven from "subject" to end of that section; and sections twelve to seventeen.	Stat. Law Rev. Act, 1872.	p. 73. (Rep. in part, Stat. Law Rev. Act, 1871.)
c. 88. -	Public-house licences in province of Quebec.	Except section five - -	Stat. Law Rev. Act, 1872.	p. 77. (Rep. in part, Stat. Law Rev. Act, 1871.)
17 Geo. 3. c. 56. -	Frauds in hat & woollen, &c. manufactures.	Sections eight and nineteen	38 & 39 Vict. c. 86. s. 17.	p. 116.
18 Geo. 3. c. 19. -	Payment of charges of constables, &c.	Section four - - -	35 & 36 Vict. c. 92. s. 13.	p. 133.
19 Geo. 3. c. 49. -	Recovery of wages and debts by lacemakers.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 156.
21 Geo. 3. c. 54. -	Parliamentary elections, &c., Coventry.	Sections seven to nine, and fourteen.	35 & 36 Vict. c. 33. s. 32. (temp.)	Omitted, as local.
c. 65. -	East India company -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as virt. rep.
c. 70. -	Government and courts of Bengal.	Sections twenty-seven and twenty-eight.	Stat. Law Rev. Act, 1872.	Sects. 27, 28, omitted, as virt. rep.
22 Geo. 3. c. 31. -	Parliamentary elections, Cricklade.	The whole - - -	35 & 36 Vict. c. 33. s. 32. (temp.)	Omitted, as local.
c. 82. -	Regulation of civil list, pensions, and secret service money.	Sections four, fourteen, sixteen, seventeen, nineteen to twenty-three, thirty-one to thirty-six, and thirty-eight to forty-one.	Stat. Law Rev. Act, 1872.	p. 174. (Repealed sections, except sects. 16, 21, 22, omitted, as virt. rep.)
23 Geo. 3. c. 36. -	East India company -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as virt. rep.
24 Geo. 3. Sess. 2. c. 25.	Trial for offences committed in India.	Sections one to sixty-three	Stat. Law Rev. Act, 1872.	Sects. 1 to 63 omitted, as virt. rep.
c. 35. -	Ordination of aliens without taking oath of allegiance.	Section two - - -	37 & 38 Vict. c. 77. s. 2.	p. 206.
25 Geo. 3. c. 48. -	Pawnbrokers' licences	The whole - - -	35 & 36 Vict. c. 93. s. 4.	p. 228.
c. 70. -	Duties on servants -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as rep. in gen. terms, 32 Geo. 3. c. 3.
c. 84. -	Parliamentary elections.	Except section one down to "make a return of such person or persons," and section three, in so far as that part of a section and section relate to the universities.	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 234. (Parts repealed by Stat. Law Rev. Act, 1872, omitted, as virt. rep.)
		Section one from "but so as that no poll" to "same day" and from "unless the" to end of that section; and sections two, five, six, nine to twelve, fourteen, and sixteen.	Stat. Law Rev. Act, 1872.	
26 Geo. 3. c. 57. -	Trial of offences committed in India, &c.	Sections thirty-one, thirty-six, and thirty-seven.	Stat. Law Rev. Act, 1872.	Sects. 31, 36, 37, omitted, as virt. rep.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME III.—*continued.*		Vol. III.
26 Geo. 3. c. 81. -	Trade - - -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as rep. in part, 31 & 32 Vict. c. 45. s. 71., and residue virt. rep.
c. 84. -	Consecration of bishops abroad.	The whole - - -	Stat. Law Rev. Act, 1875, s. 2.	Omitted, as being rep. as to the United Kingdom by Stat. Law Rev. Act, 1871.
28 Geo. 3. c. 8. -	Troops in India -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as rep. in part, 16 & 17 Vict. c. 95. s. 31., and residue virt. rep.
31 Geo. 3. c. 31. -	Endowment, &c., of Protestant clergy and tenure of land in Upper and Lower Canada.	Except sections thirty-eight to forty and forty-three to forty-five.	Stat. Law Rev. Act, 1872.	p. 303. (Rep. in part, Stat. Law Rev. Act, 1871.)
32 Geo. 3. c. 42. -	Offices for masters, &c in Chancery.	The whole - - -	35 & 36 Vict. c. 44. s. 26.	p. 318.
c. 63. -	Relief of Scotch Episcopalians.	Section one - - -	Stat. Law Rev. Act, 1872.	Sect. 1 omitted, as virt. rep.
33 Geo. 3. c. 52. -	East India company and government of India.	Sections seventy-one to one hundred and thirty-six, one hundred and thirty eight, one hundred and thirty-nine, and one hundred and forty-two to one hundred and fifty.	Stat. Law Rev. Act, 1872.	Sections repealed omitted, as virt. rep.
c. 55. -	Neglect of duty by constables and ill-usage of apprentices by masters.	Sections one and two, except so much of those sections as relates to constables, overseers, and other peace or parish officers.	38 & 39 Vict. c. 86. s. 17.	p. 371.
c. 64. -	Notice of parliamentary elections.	The whole Act, except so far as it relates to the universities.	35 & 36 Vict. c. 33. s. 32. (temp.)	p. 372.
34 Geo. 3. c. 73. -	Oaths at parliamentary elections.	The whole - - -	35 & 36 Vict. c. 33. s. 32. (temp.) Stat. Law Rev. Act, 1872.	Omitted, as virt rep.
36 Geo. 3. c. 52. -	Legacy duties - -	So much of section thirty-two as requires the Accountant General to invest the money therein mentioned in the purchase of three per cent. consolidated bank annuities, or to give any certificate.	35 & 36 Vict. c. 44. s. 26.	p. 400. (Sections repealed by Stat. Law Rev. Act, 1872, omitted or printed small, as virt. rep.)
		Sections one to three, seven, thirty-six, and forty-two.	Stat. Law Rev. Act, 1872.	
37 Geo. 3. c. 25. -	Tower Hamlets militia	Section three from "the names" to end of that section; section eleven from "and every deputy lieutenant" to end of that section; and section twelve, the words "colonels, lieutenant-colonels, or majors," and from "and if any person" to "fifty pounds."	Stat. Law Rev. Act, 1872.	p. 438. (Parts repealed by Stat. Law Rev. Act, 1872, omitted, as virt. rep.)
		Sections eight to twelve -	38 & 39 Vict. c. 69. s. 98.	
c. 31. -	East India company -	The whole - - -	Stat. Law Rev. Act, 1872.	Omitted, as virt. rep.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME III.—*continued.*		Vol. III.
37 Geo. 3. c. 135. -	Legacies paid into Court of Chancery.	The whole - - -	35 & 36 Vict. c. 44. s. 26.	p. 446.
38 Geo. 3. c. 5. -	Land tax - - -	Section three; section four from "for and upon the said offices" to "aforesaid, and"; section eight from "upon all ready money" to "to this Act, and" and from "and the said commissioners are hereby required" to end of that section; section nine from "and are hereby" to end of that section; sections ten to twelve; section thirteen from "which said receivers-general" to end of that section; sections twenty, thirty-two, thirty-three, fifty-one, and fifty-two; section fifty-three from "where any person" to "shall be; and"; section fifty-four; section fifty-seven so far as it relates to salaries or pensions; sections sixty-two to sixty-five, sixty-nine, seventy-two, seventy-three, seventy-six, eighty-one, eighty-two, eighty-five, one hundred to one hundred and four, one hundred and eight, and one hundred and nine; section one hundred and eleven so far as it relates to distresses in pursuance of any former Act; sections one hundred and twelve, one hundred and thirteen, one hundred and fifteen to one hundred and nineteen, and one hundred and twenty-one to one hundred and twenty-three; and section one hundred and thirty-one to "respectively; and."	Stat. Law Rev. Act, 1872.	p. 461. (Parts repealed omitted or printed small, as virt. rep.)
c. 48. -	Land tax commissioners.	Section two - - -	Stat. Law Rev. Act, 1872.	Sect. 2 omitted, as virt. rep.
39 & 40 Geo. 3. c. 77.	Regulation of colliers	Section three - - -	38 & 39 Vict. c. 86. s. 17.	p. 564.
c. 81.	Frauds, &c. in the hop trade.	Except section three -	Stat. Law Rev. Act, 1872.	Omitted, except sect. 3, as rep. in part, Stat. Law Rev. Act, 1871, and virt. rep. in par
c. 89. -	Embezzlement of public stores.	The whole - - -	38 & 39 Vict. c. 25. s. 18.	p. 581.
c. 99. -	Regulation of pawnbrokers.	The whole - - -	35 & 36 Vict. c. 93. s. 4.	p. 601.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME IV.		Vol. IV.
42 Geo. 3. c. 72. -	Regiment of miners of Cornwall and Devon.	Sections twenty to twenty-seven and thirty-two.	38 & 39 Vict. c. 69. s. 98.	p. 61.
c. 90. -	Militia, England -	Sections one to seventeen and sixty-one; section sixty-four to "twenty pounds"; sections sixty-eight to ninety-nine, one hundred and one to one hundred and twenty-one, one hundred and twenty-seven, one hundred and forty to one hundred and forty-seven, and one hundred and seventy-two to one hundred and seventy-six; and Schedules F. and G.	38 & 39 Vict. c. 69. s. 98.	p. 78.
c. 91.	Militia, Scotland -	Sections one to twelve and fifty-six; section fifty-nine to "twenty pounds"; sections sixty, sixty-three to ninety-five, ninety-seven to one hundred and seventeen, one hundred and twenty-two, one hundred and thirty-five to one hundred and forty, one hundred and forty-four to one hundred and forty-eight, and one hundred and sixty-seven to one hundred and seventy-two; and Schedules F. and G.	38 & 39 Vict. c. 69. s. 98.	p. 129.
43 Geo. 3. c. 45. -	Justices of the peace, Nottingham.	The whole - - -	37 & 38 Vict. c. cxciv. s. 4.	Omitted, as rep. in part, Stat. Law Rev. Act, 1872, and residue local.
c. 47. -	Relief of families of militiamen, England.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 279.
46 Geo. 3. c. 90. -	Defence of the realm: Appointment of deputy-lieutenants of counties as vice-lieutenants, &c.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 418.
c. 140. -	Pay of militia and yeomanry.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 419.
48 Geo. 3. c. 77. -	Londonderry school -	The whole - - -	37 & 38 Vict. c. 79. s. 13.	Omitted, as private.
49 Geo. 3. c. 90. -	Relief of families of militiamen, Scotland.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 523.
c. 120. -	Militia, Ireland -	Sections seven to sixty-two; section sixty-three to "twenty pounds"; sections one hundred and twenty-two and one hundred and forty-three.	38 & 39 Vict. c. 69. s. 98.	p. 540.
51 Geo. 3. c. 78. -	Relief of families of militiamen, Ireland.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 649.
c. 114. -	Service of regiment of miners in any part of United Kingdom.	Sections three, six, seven, and nine.	38 & 39 Vict. c. 69. s. 98.	p. 660.
c. 118. -	Service of militia in any part of United Kingdom.	Sections three, five to seven, and ten.	38 & 39 Vict. c. 69. s. 98.	p. 664.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME V.		Vol. V.
52 Geo. 3. c. 28. -	Relief of families of militiamen, Ireland.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 4.
c. 29. -	Militia, Ireland - -	Section two - - -	38 & 39 Vict. c. 69. s. 98.	p. 7.
c. 38. -	Local militia, England	Section forty-one - -	38 & 39 Vict. c. 60. s. 5.	p. 7.
c. 68. -	Local militia, Scotland.	Section thirty-nine - -	38 & 39 Vict. c. 60. s. 5.	p. 85.
c. 104. -	Unlawful oaths - -	Section three - - -	Stat. Law Rev. Act, 1874.	Sect. 3 omitted, as spent.
c. 110. -	Repair of county bridges.	Sections three and four -	Stat. Law Rev. Act, 1874.	Sects. 3, 4, omitted, as spent.
53 Geo. 3. c. 48. -	Militia, Ireland - -	Sections one and six -	38 & 39 Vict. c. 69. s. 98.	p. 221.
c. 64. -	Regulation of Court of Session, Scotland.	Section nine - - -	Stat. Law Rev. Act, 1874.	p. 224.
c. 81. -	Militia - - -	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 231.
c. 89. -	Conveyance of writs for elections of members of Parliament.	Section four - - -	37 & 38 Vict. c. 81. s. 12.	p. 232.
c. 107. -	Commissioners of education for regulation of endowed schools in Ireland.	Section seventeen - -	Stat. Law Rev. Act, 1874.	Sect. 17 omitted, as spent.
c. 154. -	Kilmainham hospital pensions.	Section three - - -	38 & 39 Vict. c. 69. s. 98.	p. 277.
c. 155. -	Government of India -	Sections thirty-three to thirty-nine, and one hundred and twenty-three.	Stat. Law Rev. Act, 1874.	Sects. 33 to 39, 123, omitted, as obsolete.
54 Geo. 3. c. 60. -	Embezzlement of naval, &c., cordage.	The whole - - -	38 & 39 Vict. c. 25. s. 18.	p. 293.
c. 159. -	Regulation of harbours, docks, &c.	Section ten - - -	38 & 39 Vict. c. 25. s. 18.	p. 324.
c. 179. -	Militia, Ireland - -	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 338.
55 Geo. 3. c. 65. -	Militia, Great Britain	Sections five, seven, and nine.	38 & 39 Vict. c. 69. s. 98.	p. 361.
[c. 91. -	Expenses of prosecutors, Ireland.	Revived, so far as relates to the county of the city of Dublin.	Stat. Law Rev. Act, 1874, s. 2.	Omitted, as rep., Stat. Law Rev. Act, 1873.]
c. 94. -	Regulation of British white herring fishery.	So much as prohibits white herrings from being cured, packed, or put up in Great Britain, or on board any vessel or boat employed in the British herring fishery, in any barrel or half-barrel made in whole or in part of fir.	37 & 38 Vict. c. 25. s. 1.	p. 370.
c. 104. -	Actions for price of spirits sold in small quantities, Ireland.	Section fifteen, except so far as the same applies to spirituous liquors which shall be used and consumed in the house, shop, or premises in which the same are sold.	37 & 38 Vict. c. 69. s. 38.	p. 381.
c. 127. -	Embezzlement, &c. of public stores.	The whole - - -	38 & 39 Vict. c. 25. s. 18.	p. 384.
c. 168. -	Courts-martial for trial of offences committed by militia.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 414.
c. 184. -	Stamp duties on licences to bankers, probates, &c., Great Britain.	Section twenty-three -	Stat. Law Rev. Act, 1874.	Sect. 23 omitted, as virt. rep., 16 & 17 Vict. c. 63. s. 7.
c. 185. -	Stamp duties on plate, Great Britain.	Section seven from "and shall suffer" to the end of that section.	Stat. Law Rev. Act, 1874.	Repealed part of sect. 7 omitted, as virt. rep., 4 & 5 Vict. c. 56. s. 1.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME V.—*continued.*		Vol. V.
55 Geo. 3. c. 194.	Regulation of apothecaries, England.	So much of section four as provides that no person to be by the master, wardens, and assistants for the time being chosen and appointed a member of the court of examiners shall be deemed to be properly qualified unless he shall be a member of the Society of Apothecaries aforesaid of not less than ten years standing; and so much of the same section as provides that no person shall be deemed to be properly qualified to be appointed one of the five apothecaries in the Act after mentioned for the purpose of examining assistants to apothecaries except he shall have been an apothecary in actual practice for not less than ten years at least previously to his being so appointed; and so much of section nine as requires or provides that the twelve persons to be chosen and appointed as directed by the same section are to be properly qualified as in the said fourth section is mentioned; and so much of section fifteen as provides that no person shall be admitted to any examination for a certificate to practise as an apothecary unless he shall have served an apprenticeship of not less than five years to an apothecary.	37 & 38 Vict. c. 34. s. 2.	p. 436.
56 Geo. 3. c. 64. -	Courts-martial for trial of offences committed by militia.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 475.
57 Geo. 3. c. 34. -	Public works loans -	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 512.
c. 57. -	Suspension of training of militia, &c.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 531.
c. 70. -	Relief of Protestant dissenters and persons denying the Trinity, Ireland.	The whole Act, so far as it extends to Ireland such of the provisions of 19 Geo. 3. c. 44. as were repealed by 34 & 35 Vict. c. 48. s. 1., and the provisions of 53 Geo. 3. c. 160.	Stat. Law Rev. Act, 1874.	p. 540.
c. 124. -	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 558.
59 Geo. 3. c. 7. -	Regulation of cutlery trade, England.	Section two - - -	Stat. Law Rev. Act, 1874.	Sect. 2 omitted, as spent.
c. 35. -	Trial by jury in civil causes, Scotland.	Sections twenty-one, twenty-two, and thirty-seven.	Stat. Law Rev. Act, 1874.	Sects. 21, 22, 37, omitted, as virt. rep.
c. 60. -	Admission to holy orders for colonies.	Sections two to five - -	37 & 38 Vict. c. 77. s. 2.	p. 627.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME V.—*continued.*		Vol. V.
59 Geo. 3. c. 92. -	Conveyance of offenders by sheriffs, &c. through adjoining counties, Ireland.	Sections five and six, except so much of those sections as relates to constables and other peace or parish officers.	38 & 39 Vict. c. 86. s. 17.	Sections 5, 6, omitted, as rep., Stat. Law Rev. Act, 1873.
c. 107. -	Permits, &c., Ireland	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as rep. in part, Stat. Law Rev. Act, 1873, and residue rep. or virt. rep., 2 & 3 Will. 4. c. 16.
1 Geo. 4. c. 14. -	Drawback on exportation of gold plate.	Section three - - -	Stat. Law Rev. Act, 1874.	Sect. 3 omitted, as rep., 6 Geo. 4. c. 105.
c. 30. -	Relief of Rutson & Co.	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as local and personal.
c. 60. -	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 677.
c. 109. -	Pensions to King George the Third's servants.	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as local and personal.
1 & 2 Geo. 4. c. 22.	Duties on beer, &c., Great Britain.	Sections one and seven -	37 & 38 Vict. c. 16. s. 21.	p. 706. (Sect. 7 rep., Stat. Law Rev. Act, 1873.)
c. 28. -	Abolition of African company, and transfer of their property to the crown.	Sections two and four -	Stat. Law Rev. Act, 1874.	Sect. 2 omitted, as spent; sect. 4 rep., Stat. Law Rev. Act, 1873.
c. 53. -	Proceedings in common law courts, Ireland.	Section ten from "shall be payable from time to time" to "and that the said salaries respectively," and from "on the fifth day of January" to "October in every year;" and section sixty-one.	Stat. Law Rev. Act, 1874.	Parts repealed omitted, as virt. rep., 17 & 18 Vict. c. 94.
c. 63. -	Justices of the peace -	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as rep., 11 & 12 Vict. c. 42. s. 34. (England), and 12 & 13 Vict. c. 69. s. 34. (Ireland).
c. 66. -	Regulation of the fur trade and establishment of civil and criminal jurisdiction in certain parts of North America.	Section five; and sections six to thirteen, so far as the last mentioned sections relate to Vancouver's Island and British Columbia.	Stat. Law Rev. Act, 1874.	p. 749. (Sect. 5 rep., Stat. Law Rev. Act, 1873.)
c. 77. -	Abolition of gaol fees, &c., Ireland.	Section eight - -	Stat. Law Rev. Act, 1875.	p. 761.
3 Geo. 4. c. 18. -	Duties on malt - -	The whole - - -	Stat. Law Rev. Act, 1875.	Omitted, as rep. in part, 28 & 29 Vict. c. 66. s. 14. (temp.), and residue rep., Stat. Law Rev. Act, 1873.
c. 30. -	Duty on malt made from bear or bigg, Scotland.	Section nineteen - -	Stat. Law Rev. Act, 1874.	Sect. 19 omitted, as virt. rep., 6 Geo. 4. c. 58.
c. 69. -	Regulation of duties of officers of common law courts.	The whole - - -	Stat. Law Rev. Act, 1874.	p. 809.
c. 72. -	Building of additional churches in populous parishes.	Sections ten, eleven, and twenty-seven.	Stat. Law Rev. Act, 1874.	Sects. 10, 11, 27, omitted, as virt. rep.
c. 86. -	Advances for public works, &c.	The whole - -	38 & 39 Vict. c. 89. s. 57.	p. 829.
c. 96. -	Duties, New South Wales.	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as obsolete.
c. 98. -	Pensions to Queen Caroline's servants.	The whole - - -	Stat. Law Rev. Act, 1874.	Omitted, as local and personal.

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME V.—*continued.*		VOL. V.
3 Geo. 4. c. 119. -	Change of tenures in fief and seigniory into socage tenure in Canada.	Except sections thirty-one and thirty-two.	Stat. Law Rev. Act, 1874.	Omitted, except sects. 31, 32, as rep. in part, and obsolete in part.
4 Geo. 4. c. 29. -	Powers of justices in cases of apprenticeship.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 921.
c. 34. -	Complaints before justices by masters against apprentices, &c.	The whole - - -	38 & 39 Vict. c. 86. s. 17.	p. 929.
c. 74. -	Bridges over Menai Straits and River Conway, Howth and Holyhead Harbours, roads from London to Holyhead, &c.	Section twenty-seven -	37 & 38 Vict. c. 80. s. 2.	Omitted, as rep. in part, and residue local and personal.
		VOLUME VI.		VOL. VI.
5 Geo. 4. c. 36. -	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 7.
c. 77. . -	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 84.
6 Geo. 4. c. 35. -	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 131.
c. 50. -	Consolidation and amendment of the laws relating to jurors and juries.	Sections two, three, and four; section five from "and shall annex" to the end of that section; section six to "upon any high constable," and from "provided also, that where any parish or township" to the end of that section; section ten, the words "to the high constable and," and from "and the high constable shall receive" to the end of that section; section forty-four; section forty-six, the words "to any high constable or"; sections forty-eight and forty-nine; and the warrant for returning lists of jurors and precept for returning lists of jurors in the schedule.	Stat. Law Rev. Act, 1875.	p. 154. (Sect. 44 omitted, as rep. in gen. terms, 25 & 26 Vict. c. 107. s. 3. The warrant and precept in the schedule omitted, as superseded by 25 & 26 Vict. c. 107. s. 4. and schedule.)
c. 84. -	Retiring pensions of judges.	Section seven - -	38 & 39 Vict. c. 77. s. 33.	p. 233.
7 Geo. 4. c. 74. -	Prisons, Ireland -	Sections one hundred and eighteen to one hundred and twenty-two; section one hundred and twenty-three so far as it relates to the Marshalsea of the Four Courts; and section one hundred and thirty-nine.	Stat. Law Rev. Act, 1875.	p. 346.
7 & 8 Geo. 4. c. 47.	Advances for public works.	The whole - -	38 & 39 Vict. c. 89. s. 57.	p. 419.
9 Geo. 4. c. 14. -	Written memorandum necessary to the validity of certain promises, &c.	Section five - -	Stat. Law Rev. Act, 1875.	p. 489. (Sect. 5 omitted, as virt. rep., 37 & 38 Vict. c. 62. s. 2.)

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME VI.—*continued.*		VOL. VI.
[9 Geo. 4. c. 58. -	Granting of justices' certificates for keeping of houses for sale of intoxicating liquors by retail, Scotland.	Section twenty-five revived	Stat. Law Rev. Act, 1875, s. 3.	p. 535.]
c. 83. -	Administration of justice in and government of New South Wales and Van Diemen's Land.	Section thirty-eight -	Stat. Law Rev. Act, 1875.	p. 604. (Sect. 38 omitted, as spent.)
10 Geo. 4. c. 10. -	Militia - -	The whole - -	38 & 39 Vict. c. 69. s. 98.	p. 636.
c. 52. -	Complaints before justices by masters against apprentices, &c.	The whole - -	39 & 39 Vict. c. 86. s. 17.	p. 729.
11 Geo. 4. & 1 Will. 4. c. 49.	Excise - -	The whole - -	Stat. Law Rev. Act, 1875.	Omitted, as rep., 23 & 24 Vict. c. 114. s. 202.
1 & 2 Will. 4. c. 17.	Appointment, powers, and duties of lieutenants of counties, &c., Ireland.	Sections one, two, and four to seventeen.	38 & 39 Vict. c. 69. s. 98.	p. 856.
c. 24. -	Advances for public works.	The whole - -	38 & 39 Vict. c. 89. s. 57.	p. 881.
		VOLUME VII.		VOL. VII.
2 & 3 Will. 4. c. 87.	Office for registering deeds, &c., Ireland.	So much of section thirty-five as enacts that any regulation, order, or direction therein mentioned shall not be carried into effect, or become and be binding and conclusive, until after the end of the session in which the same is laid before both Houses of Parliament.	38 & 39 Vict c. 5. -	p. 240.
c. 88. -	Representation of the people, Ireland.	Section fifty-five from "and that all elections" to the end of that section; and section sixty-eight from "and such deputy" to the end of that section.	Stat. Law Rev. Act, 1875.	p. 256.
3 & 4 Will. 4. c. 32.	Loans for public works under local Acts.	The whole - -	38 & 39 Vict, c. 89. s. 57.	p. 400.
c. 41. -	Administration of justice in the Privy Council.	Section twenty-nine -	Stat. Law Rev. Act, 1875.	p. 403. (Sect. 29 omitted, as spent.)
c. 74. -	Abolition of fines and recoveries.	Section eighty-nine, the words "and may remove him at pleasure."	Stat. Law Rev. Act, 1875.	p. 487.
4 & 5 Will. 4. c. 36.	Establishment of central criminal court for trial of offences in metropolis, &c.	Section thirteen - -	Stat. Law Rev. Act, 1875.	p. 645. (Sect. 13 omitted, as virt. rep.)
c. 72. -	Advances for public works.	The whole - -	38 & 39 Vict. c. 89. s. 57.	p. 688.
4 & 5 Will. 4. c. 85.	Sale of beer and cider by retail, England.	Section eleven, the words "and also with reference to the sureties of such persons," "and to the sureties of all such persons in respect of such offences," and "and to the sureties of such persons."	Stat. Law Rev. Act, 1875.	p. 734. (Words repealed omitted, as virt. rep.)

Year, statute, and chapter.	Subject-matter.	Extent of repeal.	Repealing Act.	Reference to volume of Revised Edition.
		VOLUME VII.—*continued.*		VOL. VII.
5 & 6 Will. 4. c. 76.	Regulation of municipal corporations, England.	So much of section forty-seven as relates to the fixing of the day of election by the alderman.	38 & 39 Vict. c. 40. s. 12. (temp.)	p. 911.
		Section forty-seven, the words "such day not to be later than ten days after such vacancy"; sections one hundred and twenty-two and one hundred and twenty-three.	Stat. Law Rev. Act, 1875.	Sect. 122 omitted, as virt. rep., 33 & 34 Vict. c. 77. s. 9.
6 & 7 Will. 4. c. 106.	Administration of justice in the stannaries of Cornwall, &c.	Section eight, the words "nisi prius."	Stat. Law Rev. Act, 1875.	p. 1154. (Words repealed omitted, as rep., 18 & 19 Vict. c. 32. s. 30.)
		VOLUME VIII.		VOL. VIII.
7 Will. 4 & 1 Vict. c. 51.	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 113.[a]
1 & 2 Vict. c. 88.	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 280.[a]
2 & 3 Vict. c. 47.	Improvement of the police in and near the metropolis.	Section twenty-one - -	38 & 39 Vict. c. 28. s. 4.	p. 441.[a]
c. 59. -	Abolition of exemption of officers of militia from serving as sheriff, &c.	The whole - - -	38 & 39 Vict. c. 69. s. 98.	p. 493.[a]
3 & 4 Vict. c. 10.	Advances for public works.	The whole - - -	38 & 39 Vict. c. 89. s. 57.	p. 549.[a]
c. 91.	Prevention of frauds and abuses by weavers, &c., Ireland.	Sections eighteen and twenty-three.	38 & 39 Vict. c. 86. s. 17.	p. 657.[a]

[a] These repeals are noticed in the Chronological table prefixed to Vol. VIII., for the period comprised in that volume, see pp. viii, xii, xiv, xv, xvi, xviii, and in the table of corrigenda, p. xxvi, but not in the volume itself, the Acts affected having passed through the press before the passing or publication of the repealing Acts.

41 GEORGE III. A.D. 1801.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JANUARY,
A.D. 1801,
IN THE FORTY-FIRST YEAR OF THE REIGN OF
KING GEORGE THE THIRD,
BEING THE FIRST SESSION OF THE FIRST PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XXIII.

AN ACT for the better Collection of Rates made for the Relief of the Poor.

[18th April 1801.]

WHEREAS by an Act of Parliament, made and passed in the seventeenth year of the reign of his late Majesty King George the Second, intituled "An Act for remedying some defects in the Act, made in the forty-third year "of the reign of Queen Elizabeth, intituled 'An Act for the relief of the poor,'" power was given to justices of the peace, upon appeals from rates and assessments, where they should see just cause to give relief, to amend the same in such manner only as should be necessary for giving such relief, without altering such rates or assessments with respect to other persons mentioned in the same: And whereas the quashing or setting aside of rates or assessments made for the relief of the poor, is attended with great inconvenience; and it hath happened, in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the churchwardens and overseers of the poor have not had any money in hand for the relief and maintenance of the poor: For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, upon all appeals from any rate or assessment made for the relief of the poor of any parish, township, vill, or place, the court of general or quarter sessions of the peace shall, and such court is hereby authorized and required (in all cases where they shall see just cause to give relief) to amend such rate or assessment, either by inserting therein or striking out the name or names of any person or persons, or by altering the sum or sums therein charged on any person or persons, or in any other manner which the said court shall think necessary for giving such relief, and without quashing or wholly setting aside such rate or assessment: Provided always, that if the said court shall be of

Recital of 17 Geo. 2. c. 38.

On appeal from any poor rate, the quarter sessions may amend it without quashing it; or, if necessary, may quash the rate, but the sum assessed shall notwithstanding be levied.

opinion that it is necessary, for the purpose of giving relief to the person or persons appealing, that the rate or assessment should be wholly quashed, then the said court may quash the same; but nevertheless, all and every the sum and sums of money in and by such rate or assessment charged on any person or persons, shall and may be levied and recovered by such ways and means, and in such and the same manner, as if no appeal had been made against such rate or assessment; and all and every the sum and sums of money which any person or persons charged in such rate or assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as payments on account of the next effective rate or rates, assessment or assessments, which shall be made for the relief of the poor of the same parish, township, vill, or place.

Notice of appeal not to prevent distress being made for the recovery of the rate, provided the sum be not greater than that assessed in the last effective rate.

II. AND be it further enacted, that from and after the passing of this Act, all and every the sum and sums of money at which any person or persons is or are or shall be rated or assessed, in any rate or assessment made for the relief of the poor of any parish, township, vill, or place, shall and may be levied and recovered by distress, and all other lawful ways and means, notwithstanding the person or persons so rated or assessed, or any other person or persons, shall have given notice of appeal from or against such rate or assessment, for any cause whatsoever: Provided always, that if any person, rated or assessed in any rate or assessment made for the relief of the poor, shall give such notice of appeal as herein-after mentioned to the churchwardens and overseers of the poor of any parish, township, vill, or place, or any two of them, then, from and after the giving of such notice, and until the appeal shall have been heard and determined, no proceedings shall be commenced or carried on to recover any greater sum or sums of money from such person or persons, than the sum or sums at which he, she, or they, or any occupier of the same premises, shall have been rated or assessed in the last effective rate which shall have been collected in such parish, township, vill, or place.

Quarter sessions having ordered a rate to be quashed, may order the sum charged on any person not to be paid, and stop proceedings for the recovery thereof, &c.

III. AND be it further enacted, that in case the said court of general or quarter sessions of the peace shall upon appeal order any rate or assessment for the relief of the poor to be quashed, it shall be lawful for the said court to order that any sum or sums of money, in and by such rate or assessment charged on any person or persons, or any part of any such sum or sums, not to be paid; and then and in every such case no proceedings shall, after making such order, be commenced, or if any proceedings have been previously commenced, such proceedings shall be no further prosecuted or carried on for the purpose of levying or enforcing the payment of any sum or sums which shall be so ordered by the said court not to be paid as aforesaid: Provided always, that no justice of the peace, constable, or other officer of the peace or other person shall be deemed a trespasser, or liable to any action, for any warrant, order, act, or thing which such justice, constable, or other officer or person shall have granted, made, executed, or done for the purpose of levying or enforcing the payment of any such sum or sums of money, before he shall have had notice in writing of the order for the non-payment of such sum or sums of money, which the said court is hereby authorized to make as aforesaid.

Notices of appeal to be given to churchwardens and

IV. AND be it further enacted, that, from and after the passing of this Act, all notices of appeal from or against any rate or assessment made for the relief of the poor, or from or against the account of the churchwardens and

overseers of the poor of any parish, township, vill, or place, shall be in writing, and shall be signed by the person or persons giving the same, or his, her, or their attorney, on his, her, or their behalf; and such notices of appeal shall be delivered to or left at the places of abode of the churchwardens and overseers of the poor of the parish, township, vill, or place, or any two of them, and the particular causes or grounds of appeal shall be stated and specified in such notice; and upon the hearing of any appeal from or against any such rate or assessment, or account, the court of general or quarter sessions to which such appeal shall be made, shall not examine or enquire into any other cause or ground of appeal than such as are or is stated and specified in the notice of appeal.

overseers of the poor, &c., and grounds of appeal stated in such notices.

V. PROVIDED nevertheless, and be it further enacted, that with the consent of the overseers, signified by them or their attorney in open court, and with the consent of any other person interested therein, the said court of sessions may proceed to hear and decide upon such appeal, although no notice thereof shall have been given in writing; and also that with the like consent such court may hear and decide upon grounds of appeal, not stated or misstated in such written notice, where any notice shall have been given in writing.

Appeals may be decided, if the parties consent, although notice be not given, or on grounds not stated in notice.

VI. AND be it further enacted, that, from and after the passing of this Act, if any person or persons shall appeal against any rate or assessment made for the relief of the poor, because any other person or persons is or are rated or assessed in such rate or assessment, or is or are omitted to be rated or assessed therein, or because any other person or persons is or are rated or assessed in any such rate or assessment at any greater or less sum or sums of money than the sum or sums at which he, she, or they ought to be rated or assessed therein, or for any other cause that may require any alteration to be made in such rate or assessment with respect to any other person or persons, then and in every such case the person or persons so appealing for the causes aforesaid, or any of them, shall give such notice of appeal, in writing as herein-before mentioned, not only to the churchwardens or overseers of the poor, or any two or more of them, but also to the other person or persons so interested or concerned in the event of such appeal as aforesaid; and such other person or persons shall, if he, she, or they shall so desire, be heard upon the said appeal; and it shall be lawful for the court of general or quarter sessions of the peace, on the hearing of such appeal, to order the name or names of such other person or persons to be inserted in such rate or assessment, and him, her, or them to be therein rated and assessed at any sum or sums of money, or to order the name or names of such other person or persons to be struck out of such rate or assessment, or the sum or sums at which he, she, or they is or are rated or assessed therein, to be altered, in such manner as the said court shall think right; and the proper officer of the said court shall forthwith add to or alter the rate or assessment accordingly.

Persons appealing against any rate shall give notice, not only to the churchwardens, &c., but also to the persons interested, &c.

VII. AND be it further enacted, that if upon the hearing of any appeal from or against any rate or assessment, the said court shall order the name or names of any person or persons to be inserted therein, and him, her, or them to be rated or assessed at any sum or sums of money, or shall order the sum or sums at which any person or persons is or are therein rated or assessed to be raised or increased, then and in such case all and every the sum and sums of money, at or to which such person or persons shall be so ordered to be rated or

The rate as altered by the quarter sessions to be recovered in the same manner as the original rate.

assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and may be recovered in such and the same manner, and by such and the same means, as if he, she, or they had been originally named in such rate or assessment, and rated or assessed therein at such sum or sums of money.

In case in the rate the name of any person shall be struck out, or any sum lowered, the quarter sessions shall order any sums paid in excess to be repaid.

VIII. AND be it enacted, that if upon the hearing of any appeal from any rate or assessment for the relief of the poor, the court of general or quarter sessions of the peace shall order the name or names of any person or persons to be struck out of such rate or assessment, or the sum or sums rated or assessed on any person or persons to be decreased or lowered, and if it shall be made appear to the said court that such person or persons hath or have, previously to the hearing of such appeal, paid any sum or sums of money, in consequence of such rate or assessment, which he, she, or they ought not to have paid or been charged with, then and in every such case the said court shall order all and every such sum and sums of money to be repaid and returned, by the said churchwardens and overseers of the poor, to the person or persons having paid the same respectively, together with all reasonable costs, charges, and expences, occasioned by such person or persons having paid or been required to pay the same; and all and every the sum and sums of money so ordered to be repaid or returned by the churchwardens and overseers of the poor, or any of them, shall and may, together with all such costs, charges, and expences as aforesaid, be levied and recovered from them, or any of them, by distress and all such other ways and means as the money charged, rated, or assessed on any person, by any rate or assessment made for the relief of the poor, can or may be by law levied or recovered.

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CHAPTER XXIV.

AN ACT for the indemnifying of Persons injured by the forcible pulling down and demolishing of Mills, or of Works thereunto belonging, by Persons unlawfully and riotously assembled. [a] [18th April 1801.]

Recital of 9 Geo. 3. c. 29.

WHEREAS by an Act passed in the ninth year of the reign of his present Majesty, intituled "An Act for the more effectual punishment of such persons as shall demolish or pull down, burn, or otherwise destroy or spoil, any mill or mills, and for preventing the destroying or damaging of engines for draining collieries and mines, or bridges, waggon ways, or other things used in conveying coals, lead, tin, or other minerals from mines, or fences for inclosing lands in pursuance of Acts of Parliament," [b] it was amongst other things recited, that by an Act passed in the first year of the reign of his late Majesty King George the First, intituled "An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters," it was among other things enacted, that if any persons unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, should unlawfully and with force demolish or pull down, or begin to demolish or pull down any church or chapel, or any building for religious worship, certified and

1 Geo. 1. st. 2. c. 5.

[a] Rep., as to England, 7 & 8 Geo. 4. c. 27. s. 1.

[b] As to this Act, see Appendix.

registered according to the Statute made in the first year of the reign of the late King William and Queen Mary, intituled "An Act for exempting their "Majesties Protestant subjects, dissenting from the Church of England, from the "penalties of certain laws," or any dwelling house, barn, stable, or other outhouse, that then every such demolishing or pulling down, or beginning to demolish or pull down, should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death as in cases of felony without benefit of clergy; and it was also further recited, that some doubts had arisen whether the said Act extended to the pulling down and demolishing of mills; wherefore, for remedying the mischiefs which might ensue therefrom, and for the more effectual punishment of such offenders, it was by the said Act enacted, that if any person or persons unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, should at any time after the first day of July one thousand seven hundred and sixty-nine, unlawfully and with force demolish or pull down, or begin to demolish or pull down any wind saw mill or other wind mill, or any water mill or other mill, which should have been or shall be erected, or any of the works thereto respectively belonging, that then every such demolishing or pulling down, or beginning to demolish or pull down, should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death, as in case of felony, without benefit of clergy: And whereas no provision is made in and by the said recited Act for the indemnification of the persons damnified and injured by such pulling down and demolishing of the above mentioned mills and works thereunto belonging: And whereas it is expedient that the like remedy and means of indemnification should be extended to the persons damnified and injured by the pulling down and demolishing such mills and works thereunto belonging, as are by the said Act, passed in the first year of the reign of his said late Majesty King George the First, intituled "An Act for preventing tumults and riotous assemblies, and "for the more speedy and effectual punishing the rioters," now afforded and given to the persons damnified and injured by the demolishing and pulling down, wholly or in part, any church, chapel, building for religious worship, dwelling house, barn, stable, or outhouse, as in the said last mentioned Act is mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if after the passing of this Act any wind saw mill or other wind mill, or any water mill or other mill, or any of the works thereunto belonging, shall be demolished or pulled down, wholly or in part, by any persons so unlawfully, riotously, and tumultuously assembled, that then the damages sustained by the person or persons injured and damnified by such demolishing or pulling down, wholly or in part, shall and may be sued for, recovered, levied, raised, and reimbursed in such manner and form, and by such ways and means, as are particularly provided in and by the said Act made in the first year of the reign of his said late Majesty King George the First, in respect to the several descriptions of buildings therein mentioned.

1 Will. & Mar. c. 18.

Damages occasioned by the demolishing of mills, &c. by persons unlawfully assembled, may be sued for and recovered in the manner provided by the recited Act, 1 Geo. 1. st. 2. c. 5.

CHAPTER XXV.

An Act for the better Regulation of the Office of Master of the Rolls in that Part of the United Kingdom called Ireland; and for augmenting the Salary annexed to the said Office. [18th April 1801.]

WHEREAS it is expedient that the office of master of the Rolls, in that part of the United Kingdom called Ireland, should be made a judicial office, and assistant to the lord high chancellor of Ireland; but the same being, by an Act passed in the Parliament of Ireland in the tenth year of the reign of his late Majesty King Henry the Seventh, now held only at the King's will and pleasure, it is expedient that his Majesty should be empowered to regulate the said office, and that the salary thereof should be augmented: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for his Majesty, his heirs and successors, by any letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant the commission of master of the Rolls of that part of the United Kingdom called Ireland, for the time being, unto any person quam diu se bene gesserit; and to provide that such commission shall continue and remain in full force during the good behaviour of the person holding the said office, notwithstanding any demise of his Majesty (whom God long preserve) or of any of his heirs or successors, any law, usage, or practice to the contrary thereof in anywise notwithstanding; and that the master of the Rolls so appointed shall have full power and authority to make orders and decrees on all matters and causes now depending, or which shall hereafter be depending, in the courts of Chancery of that part of the United Kingdom called Ireland; and that all such orders and decrees shall be deemed and taken to be valid orders and decrees of the said Court of Chancery; but subject, nevertheless, in every such case, to be discharged, reversed, or altered by the lord chancellor, lord keeper, or lords commissioners of the great seal of Ireland for the time being [Rep., Stat. Law Rev. Act, 1872.]; and so as no such orders or decrees be enrolled till the same shall be signed by the said lord chancellor, lord keeper, or lords commissioners of the great seal.

His Majesty may grant the commission of master of the Rolls in Ireland quam diu se bene gesserit.

Such master of the Rolls may make orders and decrees, which shall be valid, but shall not be enrolled till signed by the lord chancellor, &c.

* * * * * * * * *

VIII. AND be it enacted, that the master of the Rolls so to be appointed shall and may have power and authority to appoint a proper and sufficient officer to execute such part of the duties of the said office as have been heretofore performed by deputy, such officer first to be approved by the lord chancellor, or lord keeper, or lords commissioners for the custody of the great seal of Ireland respectively for the time being, by instrument under the hand and seal of such lord chancellor, lord keeper, or lords commissioners respectively.

The master of the Rolls may appoint a deputy, who must be approved by the lord chancellor, &c.

IX. PROVIDED always, and be it further enacted, that it may be lawful for his Majesty, his heirs and successors, to remove any master of the Rolls upon an address of both Houses of Parliament of the United Kingdom of Great Britain and Ireland.

His Majesty may remove any master of the Rolls upon an address of Parliament.

CHAPTER XXXII.

AN ACT for granting to his Majesty several Sums of Money for defraying the Charge of certain permanent Services in that Part of the United Kingdom called Ireland. [30th April 1801.]

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, being desirous of making a permanent provision for the several services hereinafter mentioned, have freely and voluntarily resolved to give and grant to your Majesty the several sums of money herein-after expressed; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the lord high treasurer and under treasurer of the Exchequer, or the commissioners of his Majesty's Treasury, of that part of the United Kingdom called Ireland, now or for the time being, or any three or more of them, from time to time, by warrant or warrants under his or their hands, to order and direct any sum or sums of money not exceeding, in one year, the sums herein-after mentioned, to be issued and paid for the several purposes herein-after expressed; that is to say,

The treasury of Ireland may issue, for the purposes herein expressed, not exceeding, in one year, the sums herein-after mentioned, viz.

	English.			Irish.		
	£	s.	d.	£	s.	d.
. . . . .	.	.	.	.	.	.
To the French minister at Dundalk - -	55	7	8½	60	0	0
. . . . .	.	.	.	.	.	.
To the French minister at Portarlington -	46	3	1	50	0	0
. . . . .	.	.	.	.	.	.
To the rector of the parish of Saint Paul in Dublin for attending the sick in the barracks of Dublin - - - - -	73	5	2½	79	7	3¾
. . . . .	.	.	.	.	.	.
To the under library keeper of Marsh's library, at Saint Patrick's, Dublin - - -	27	13	10½	30	0	0
To the vicar of Castlenock, in lieu of tithe and glebe land in the Phœnix Park, near Dublin	46	16	11	50	15	0
To the minister of Saint James's parish, Dublin, for the like purpose - - - -	11	1	6	12	0	0
. . . . .	.	.	.	.	.	.
To the rector of Saint Michan's parish, Dublin, for minister's money for houses where the courts of justice are built - - -	9	10	3	10	6	2
To the archbishop of Dublin for proxies out of divers churches belonging to the late monasteries of Saint Thomas, Saint Mary, and Saint John of Jerusalem, in the see of Dublin -	16	17	4	18	5	6

	English.			Irish.		
	£	s.	d.	£	s.	d.
To the bishop of Meath out of the manor of Trim - - - - - -	3	9	2	3	15	0
To the dean and chapter and vicars choral of Christ Church, Dublin - - -	43	13	10	47	6	8
. . . . .	.	.	.	.	.	.
To the lord mayor and citizens of Dublin -	738	9	3	800	0	0
. . . . .	.	.	.	.	.	.
To the Royal Irish Academy for rent of an house - - - - - -	107	13	6	116	13	0
. . . . .	.	.	.	.	.	.
For rent of grounds near Carrickfergus castle -	14	18	7½	16	3	6
. . . . .	.	.	.	.	.	.

The above sums shall be payable out of the consolidated fund of Ireland.

II. AND be it enacted, that the said several sums shall and may be issuing and payable out of, and charged and chargeable upon, the consolidated fund of that part of the United Kingdom called Ireland, after paying, or reserving sufficient to pay, all such sum and sums of money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with preference to all other payments which shall or may be hereafter charged or chargeable upon the said fund.

Receipts of persons to whom sums payable to be discharges.

III. AND be it further enacted, that . . . . . the acquittance or acquittances, receipt or receipts, of the person or persons to whom the said sums of money, or any part thereof, shall be payable, shall be a good and sufficient discharge for the payment thereof, any law, custom, or usage to the contrary notwithstanding.

CHAPTER LII.

AN ACT for declaring what Persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of Great Britain and Ireland; and also for carrying into effect Part of the Fourth Article of the Union of Great Britain and Ireland, by providing in what cases Persons holding Offices or Places of Profit under the Crown of Ireland shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom. [20th June 1801.]

Recital of 39 & 40 Geo. 3. c. 67.

WHEREAS by an Act, made in the session of Parliament held in the thirty-ninth and fortieth years of the reign of his present Majesty, intituled "An Act for the union of Great Britain and Ireland," it was amongst other things provided, that the said kingdoms of Great Britain and Ireland should, upon the first day of January in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland; and that the said United Kingdom should be represented in one and the same Parliament, to be stiled The Parliament of the United Kingdom of Great Britain and Ireland: And whereas it is expedient fully to declare in what cases persons are and shall be disabled from, or incapable of, sitting and voting in the House of

Commons of the said Parliament of the said United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament of the said United Kingdom assembled, and by the authority of the same, that from and after the passing of this Act, all persons disabled from or incapable of being elected, or sitting and voting in the House of Commons of any Parliament of Great Britain, shall be disabled from and be incapable of being elected, or sitting and voting in the House of Commons of any Parliament of the United Kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the United Kingdom called Great Britain.

All persons disabled from sitting in British House of Commons shall be disabled from sitting in the United Parliament as members for Great Britain.

II. AND be it further enacted, that from and after the passing of this Act, all persons disabled from or incapable of being elected, or sitting and voting in the House of Commons of any Parliament of Ireland, shall be disabled from and be incapable of being elected, or sitting and voting in the House of Commons of any Parliament of the United Kingdom, as knights, citizens, or burgesses, for any county, city, borough, town, or place, in that part of the United Kingdom called Ireland.

All persons disabled from sitting in Irish House of Commons shall be disabled from sitting in the United Parliament as members for Ireland.

III. PROVIDED nevertheless, that nothing in this Act shall be construed to enable persons, heretofore disabled by any Act of the Parliament of Great Britain from sitting and voting in the House of Commons of Great Britain, to sit or vote in the House of Commons of the said Parliament of the said United Kingdom, as knights, citizens, or burgesses for any county, city, borough, town, or place in that part of the United Kingdom called Ireland; nor to enable persons, heretofore disabled by any Acts of the Parliament of Ireland from sitting and voting in the House of Commons of Ireland, to sit or vote in the House of Commons of the Parliament of the said United Kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the United Kingdom called Great Britain.

Persons disabled by British statutes shall not hereby be enabled to sit for Ireland, nor e contrà.

IV. AND whereas by the said Act for the union of Great Britain and Ireland, it was amongst other things provided, that "until an Act shall have "passed in the Parliament of the United Kingdom, providing in what cases "persons holding offices or places of profit under the crown of Ireland shall "be incapable of being members of the House [of Commons] of the United "Kingdom, no greater number of members than twenty holding such offices "or places as aforesaid shall be capable of sitting in the said House of Com-"mons of the United Kingdom:" Be it therefore further enacted, that from and after the dissolution or other determination of this present Parliament, no person or persons who shall by himself or his deputy, or any other in trust for him, or for his benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute, any of the offices, employments, or places of profit herein-after mentioned, in or for that part of the United Kingdom called Ireland, shall be capable of being elected or chosen a member of or of sitting or voting as a member of the House of Commons of any Parliament of the said United Kingdom of Great Britain and Ireland, in any Parliament which shall hereafter be summoned and holden; (that is to say),

Persons who shall hold certain places in Ireland, shall be disabled from sitting in any future Parliament of the United Kingdom; viz.,

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of money, duties, or other aids, heretofore granted,

Commissioners of customs, excise, and stamps, &c.

or which shall hereafter be granted by any Act of Parliament to his Majesty, his heirs or successors (except the commissioners of the Treasury and their secretary):

. . . . . .

Army agents. Nor any agent for any regiment:

Contractors. Nor any person who shall directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy in the whole or in part, any contract, agreement, or commission made or entered into under or from the commissioners of his Majesty's Treasury in Ireland, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in Ireland; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or employment arising from the same (except

Except members of trading companies in Ireland. persons who shall be members of any incorporated trading company now existing or established in Ireland, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall or may hereafter be made, entered into, or accepted by such company in its corporate capacity, for the general benefit of such incorporation or company):

Deputies or clerks in certain offices. Nor any deputies or clerks in any of the several offices following; that is to say, the office of lord high treasurer or the commissioners of the Treasury, (except the secretary of the Treasury); . . . . . or of the chancellor of the Exchequer, (except the secretary of the chancellor of the Exchequer); or of the commissioners of stamps; . . . . . .

Persons holding new places under the lord lieutenant of Ireland shall in future be disabled. V. AND be it further enacted, that, from and after the dissolution or other determination of this present Parliament, no person who shall have in his own name, or in the name of any person or persons in trust for him or his benefit, any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the United Kingdom called Ireland, created or erected at any time after the passing of an

Irish Act, 33 Geo. 3. c. 41. Act of the Parliament of Ireland, in the thirty-third year of the reign of his present Majesty, intituled "An Act for securing the freedom and independence "of the House of Commons, by excluding therefrom persons holding any offices "under the Crown to be hereafter created, or holding certain offices therein "enumerated, or pensions for terms of years, or during his Majesty's pleasure," shall be capable of being elected or chosen a member of, or of sitting or voting as a member of, the House of Commons of any Parliament of the said United Kingdom of Great Britain and Ireland, in any Parliament which shall hereafter be summoned and holden.

Elections of disabled persons void, and such persons presuming to sit in Parliament shall incur the penalties under VI. AND be it further enacted, that if any person hereby declared to be disabled from, or rendered incapable of sitting or voting in the House of Commons, shall nevertheless be elected or returned as a member to serve in Parliament or any county, stewartry, city, borough, cinque port, town, or place, in any part of the said United Kingdom, such election or return are hereby enacted

and declared to be void to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this Act to be elected, shall presume to sit or vote as a member of the said House of Commons, such person or persons so sitting or voting shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several Acts of Parliament heretofore passed in Great Britain or Ireland for disabling or incapacitating such persons from sitting in the Parliaments of Great Britain or Ireland respectively; and if such person or persons shall be disabled or incapacitated by the having, holding, or accepting of any office, employment, or place of profit, in this Act enumerated and particularized, then and in such case such person or persons so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house; to be recovered by such person as shall sue for the same in any court of record in any part of the said United Kingdom, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, and only one imparlance.

former British or Irish Acts;

or if disabled under this Act shall forfeit 500*l.* per day.

* * * * * * * * * *

VIII. PROVIDED also, and it is hereby further enacted and declared, that nothing in this Act shall extend or be construed to exclude any person having or holding any office, place, or employment for life, or for so long as he shall behave himself well in his office (other than and except the commissioners of of imprest accounts, and [Rep., Stat. Law Rev. Act, 1872.] all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids granted or to be granted to his Majesty, his heirs or successors); any thing herein contained to the contrary notwithstanding.

Not to extend to offices held for life or during good behaviour, except in certain cases.

IX. PROVIDED always, that if any person being chosen a member of the House of Commons shall, from and after the passing of this Act, accept of any office of profit whatever, immediately and directly from the crown of the said United Kingdom, or by the nomination or appointment, or by any other appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the said United Kingdom called Ireland, his seat shall thereupon become vacant, and a writ shall issue for a new election; provided nevertheless, that such person (if he be not incapacitated by anything herein-before contained), shall be capable of being again elected to be a member of the House of Commons for the place for which he had been a member, or for any other place sending members to the House of Commons.

Members accepting any office whatever from the King, or lord lieutenant, &c. of Ireland, shall vacate his seat.

CHAPTER LVII.

AN ACT for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers. [a]

[20th June 1801.]

WHEREAS it is expedient to prevent the crime of forgery in all parts of the United Kingdom of Great Britain and Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or

After July 10, 1801, any per-

[a] Rep., except as to Scotland, 24 & 25 Vict. c. 95. s. 1.]

son who shall make or use any frame or mould for making paper, with the name or firm of any bankers or banking company appearing in the substance of the paper, without a written authority for that purpose, or shall make or vend such paper, or cause such name or firm to appear in the substance of the paper, shall for the first offence be imprisoned for not above two years, nor less than six months; and for the second, be transported for seven years.

persons, in any part of the United Kingdom of Great Britain and Ireland, from and after the tenth day of July one thousand eight hundred and one, shall make or cause or procure to be made, or knowingly aid or assist in the making or using, of any frame, mould, or part of any frame or mould, for the making of paper, with the name or firm appearing visible in the substance of the paper of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, without an authority in writing for that purpose from such person or persons, body corporate, or other banking company or partnership, or from some person or persons duly authorized to give such authority; or shall manufacture, make, vend, expose to sale, publish or dispose of, or cause or procure to be manufactured, made, vended, or exposed to sale, published or disposed of, any paper having the name or firm appearing visible in the substance of the paper of any person or persons, body corporate, or other banking company or partnership whatsoever, carrying on the business of bankers; or if any person or persons without such authority, shall by any art, means, mystery, or contrivance, cause or procure, or shall knowingly aid or assist in causing or procuring the name or firm of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall for the first offence be imprisoned for any time not exceeding two years nor less than six months, and for the second offence be transported to any of his Majesty's colonies or plantations for the term of seven years.

Any person who shall engrave, &c. any bill or note of any banker or banking company, or use any plate so engraved, or other device for making or printing such bill or note, without a written authority for the purpose, or shall knowingly have in his custody such plate or device, or shall without such authority utter such bill or note, shall suffer the like penalties.

II. AND be it further enacted, that if any person or persons, in any part of the United Kingdom of Great Britain and Ireland, from and after the said tenth day of July one thousand eight hundred and one, shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate whatsoever, any bill of exchange, promissory note, or other note for the payment of money, or part of any bill of exchange, promissory note, or other note for the payment of money, purporting to be the bill of exchange, promissory note, or other note for the payment of money, of any person or persons, body corporate, banking company or partnership carrying on the business of bankers, without an authority in writing for that purpose from such person or persons, body corporate, banking company or partnership, or some person or persons duly authorized to give such authority; or shall use any such plate so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other device for the making or printing any such bill of exchange, promissory note, or other note for the payment of money, without such authority in writing as aforesaid; or if any person or persons shall, after the said tenth day of July one thousand eight hundred and one, without such authority as aforesaid, knowingly have in his, her, or their custody, any such plate or device, or shall, without such authority as aforesaid, knowingly and wilfully publish, dispose of, or put away any such bill of exchange, promissory note, or other note for the payment of money, or part of such bill of exchange, promissory note, or other note for the payment of money; every person so

offending in any of the cases aforesaid, and being convicted thereof according to law, shall, for the first offence be imprisoned for any time not exceeding two years nor less than six months, and for the second offence be transported to any of his Majesty's colonies or plantations for the term of seven years.

Any person who shall engrave, &c. on any plate any subscriptions subjoined to any bill or note of any banker or banking company, payable to bearer on demand, or have in his possession any such plate, shall for the first offence be imprisoned for not above three years nor less than twelve months, and for the second be transported for seven years.

III. AND be it further enacted, that if any person or persons, in any part of the United Kingdom of Great Britain and Ireland, from and after the tenth day of July one thousand eight hundred and one, shall engrave, cut, or etch, or by any other means or contrivance trace with a hair stroke or other mode of delineation, or any plate whatsoever, any of the subscriptions subjoined to any bill of exchange, promissory note, or other note for the payment of money, of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, to be payable to bearer on demand, or shall have in his, her, or their possession any plate with the hair strokes or other delineation of any subscription traced thereon, subjoined to any bill of exchange, promissory note, or other note for the payment of money, purporting to be the bill of exchange and promissory note, or other note for the payment of money, of any person or persons, body corporate, or other banking company or partnership carrying on the business of bankers, and to be payable to the bearer on demand, and shall not be able to prove that such plate came into his, her, or their possession without his, her, or their knowledge or consent, every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall for the first offence be imprisoned for any time not exceeding three years nor less than twelve months, and for the second offence be transported to any of his Majesty's colonies or plantations for the term of seven years.

CHAPTER LXIII.

AN ACT to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons. [23d June 1801.]

No person ordained a priest or deacon, or being a minister of the Church of Scotland, shall be capable of being elected a member of the House of Commons.

WHEREAS it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the House of Commons, and also to make effectual provision for excluding them from sitting therein: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, is or shall be capable of being elected to serve in Parliament as a member of the House of Commons.

The election of such person shall be void, and if any person after his election shall be ordained a priest, &c. he shall vacate his seat.

Penalty for sitting or voting

II. AND be it further declared and enacted, that if any person, having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, shall hereafter be elected to serve in Parliament as aforesaid, such election and return shall be void; and that if any person, being elected to serve in Parliament as a member of the House of Commons, shall, after his election, be ordained to the office of priest or deacon, or become a minister of the Church of Scotland, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the House of Commons, he

in either case, 500*l.* per day,

shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his Majesty's courts at Westminster; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; and every person against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion ecclesiastical, and of taking, holding, or enjoying any office of honour or profit under his Majesty, his heirs, or successors: . . . . .

and disqualification to hold any preferment.

Limitation of actions.

III. PROVIDED also, and be it enacted, that no person shall be liable to any forfeiture or penalty inflicted by this Act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

What proof shall be necessary.

IV. AND be it further enacted, that proof of the celebration of divine service according to the rites of the Church of England, or of the Church of Scotland, in any church or chapel consecrated or set apart for public worship, shall be deemed and taken to be primâ facie evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the Church of Scotland, within the intent and meaning of this Act.

CHAPTER LXXVIII.

AN ACT to extend the Powers of an Act passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled "An Act "for the better securing to Constables and others the Expences of conveying Offenders to Gaol, and for allowing the Charges of Poor Persons "bound to give Evidence against Felons;" and for allowing to High Constables, in that Part of the United Kingdom called England, their Charges in certain Cases. [27th June 1801.]

Recital of 27 Geo. 2. c. 3.

WHEREAS by an Act made in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled "An Act for the "better securing to constables and others the expences of conveying offenders "to gaol, and for allowing the charges of poor persons bound to give evidence "against felons," it is enacted, that when any person, not having goods or money within the county where he is taken, sufficient to bear the charges of himself and of those who convey him, is committed to gaol or the house of correction, by warrant from any justice or justices of the peace, then on application by any constable or other officer who conveyed him to any justice of the peace for the same county or place, he shall upon oath examine into and ascertain the reasonable expences to be allowed such constable or other officer, and shall forthwith, without fee or reward, by warrant under his hand and seal, order the treasurer of the county or place to pay the same, which the said treasurer is hereby required to do as soon as he received such warrant; and any sum so paid shall be allowed in his accounts: And whereas it is expedient, in certain

cases, that constables specially appointed by justices of the peace to execute any warrant or warrants should be paid the reasonable charges and expences incurred by them, as well in respect of searching for and apprehending offenders, as in conveying such offenders to gaol: And whereas it is also expedient that high constables should, in certain cases, be allowed the extraordinary charges and expences by them incurred: May it therefore please your Majesty that it may be enacted, and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for any two justices of the peace for any county, city, division, riding, or place, within that part of the United Kingdom called England, when any person or persons shall have been nominated or appointed a special constable or special constables, for the purpose of executing any warrant or warrants in any case or cases of felony, to order, by any writing or writings under their hands, such próper allowances to be made to such special constable or special constables, for his or their expences, trouble, and loss of time in executing or endeavouring to execute such warrant or warrants, as to him or them shall seem reasonable and necessary; which orders shall be afterwards laid before and submitted, on the oath of such special constable or constables, to the consideration of the justices assembled at the next general quarter sessions of the peace to be holden for such county, city, division, riding, or place, as the case may be; and the justices so assembled at such general quarter sessions may allow or disallow the whole or any part or parts of such allowances so ordered by such justices issuing such warrant or warrants, and shall and may thereupon then order and direct the treasurer for such county, city, division, riding, or place, to pay such sum or sums of money to such special constable or special constables as to the said justices so assembled shall seem reasonable and necessary; and such treasurer shall and he is hereby authorized and required forthwith to pay the sum and sums of money so ordered and directed to be paid to the person or persons empowered to receive the same; and such treasurer shall be allowed the same in his accounts.

When special constables shall be appointed in England to execute warrants in cases of felony, two justices may order proper allowances to be made for their expences and loss of time, which order shall be submitted to quarter sessions.

II. AND be it further enacted, that it shall and may be lawful to and for any two justices of the peace within their respective jurisdictions, to order and direct, by any writing or writings under their hands, such reasonable and necessary allowances to be made to any high constable or high constables for any county, city, division, riding, hundred, or place, within that part of the United Kingdom called England, for any extraordinary expences incurred by him or them in the execution of their respective duties in any case or cases of tumult, riot, or felony; and such orders shall be laid before and submitted, on the oath of such high constable or constables, to the consideration of the justices assembled at the next general quarter sessions of the peace to be holden for such county, city, division, riding, or place, as the same may be; and the justices so assembled at such general quarter sessions may allow or disallow the whole or any part or parts of such allowance so ordered, and shall and may then order and direct the treasurer for such county, city, division, riding, or place to pay such sum or sums of money to such high constable or high constables as to the said justices so assembled shall seem reasonable; and such

Two justices in like manner may order allowances to be made to high constables for extraordinary expences incurred in the execution of their duties in cases of riot or felony, which order shall be submitted to quarter sessions.

treasurer shall and he is hereby authorized and required forthwith to pay the sum or sums of money so ordered and directed to be paid, to the person or persons empowered to receive the same; and such treasurer shall be allowed the same in his accounts.

CHAPTER LXXIX.

AN ACT for the better Regulation of Publick Notaries in England.

[27th June 1801.]

WHEREAS it is expedient, for the better prevention of illiterate and inexperienced persons being created to act as or admitted to the faculty of publick notaries, that the said faculty should be regulated in England: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August one thousand eight hundred and one, no person in England shall be created to act as a publick notary, or use and exercise the office of a notary, or do any notarial act, unless such person shall have been duly sworn, admitted, and inrolled, in manner herein-after directed, in the court wherein notaries have been accustomarily sworn, admitted, and inrolled.

From Aug. 1, 1801, no person in England shall act as a publick notary, unless duly admitted.

II. AND be it further enacted, that from and after the said first day of August one thousand eight hundred and one, no person shall be sworn, admitted, and inrolled as a publick notary, unless such person shall have been bound, by contract in writing or by indenture of apprenticeship, to serve as a clerk or apprentice, for and during the space of not less than seven years, to a publick notary, or a person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a publick notary), duly sworn, admitted, and inrolled, and that such person, for and during the said term of seven years, shall have continued in such service; and also unless every such person who shall, from and after the said first day of August, be bound by contract in writing or indenture of apprenticeship to serve as a clerk or apprentice to any publick notary or scrivener (being also a publick notary), shall, within three months next after the date of every such contract or indenture of apprenticeship, cause an affidavit to be made and duly sworn by one of the subscribing witnesses, of the actual execution of every such contract or indenture of apprenticeship by such publick notary or scrivener (being also a publick notary), and the person so to be bound to serve as a clerk or apprentice as aforesaid; and in every such affidavit shall be specified the names of every such publick notary or scrivener (being a publick notary), and of every such person so bound, and their places of abode respectively, together with the day of the date of such contract or indenture of apprenticeship; and every such affidavit shall be sworn and filed within the time aforesaid, in the court where the publick notary, to whom every such person respectively shall be bound as aforesaid, shall have been inrolled as a notary, with the proper officer or officers, or his or their respective deputy or deputies, who shall make or sign a memorandum of the day of filing every such affidavit on the back or at the bottom of such contract or indenture.

No person shall be admitted as a notary unless he shall have served as an apprentice for seven years; and if bound after Aug. 1, 1801, unless affidavit of certain particulars be made, which shall be filed in the proper court.

III. AND be it further enacted, that no person who shall, after the said first day of August, become bound as aforesaid, shall be admitted or inrolled a publick notary in the Court of Faculties for admitting and inrolling publick notaries, before such affidavit shall be produced and openly read in such court, at the time of such person's admission and inrolment. Affidavit to be read on admission of all persons bound after Aug. 1, 1801.

IV. AND be it further enacted, that the following persons shall be deemed and taken to be the proper officers for taking and filing such affidavits; (that is to say) the master of the Faculties of his grace the lord archbishop of Canterbury in London, his surrogate or commissioners. Officers for taking and filing affidavits.

V. AND be it further enacted, that the officer filing such affidavits as aforesaid shall keep a book, wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such publick notary and clerk or person bound as aforesaid, and of the person making such affidavit, with the date of the contract or indenture of apprenticeship in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum of five shillings, and no more, as a recompence for his trouble in filing such affidavit; and which book shall and may be searched, in office hours, by any person or persons whomsoever, upon payment of one shilling for such search. Officer filing affidavits to enter the substance in a book, and may take 5*s.* for filing the same. Book may be searched for 1*s.*

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VII. AND be it further enacted, that every person who shall, from and after the said first day of August, become bound by contract in writing or indenture of apprenticeship to serve any publick notary as hereby directed, shall, during the whole time and term of service to be specified in such contract or indenture of apprenticeship, or during the time and space of seven years thereof at least (if bound for a longer term than seven years) continue and be actually employed by such publick notary or scrivener (being also a publick notary) in the proper business, practice, or employment of a publick notary. Apprentice to be actually employed seven years in the business.

VIII. PROVIDED always, and be it further enacted, that if any such publick notary or scrivener (being also a publick notary) to or with whom any such person shall be bound, shall happen to die before the expiration of such term, or shall discontinue or leave off such his practice as aforesaid; or if such contract or indenture of apprenticeship shall, by mutual consent of the parties be cancelled; or in case such clerk or apprentice shall be legally discharged before the expiration of such term, and such clerk or apprentice shall, in any of the said cases, be bound by another contract or contracts, indenture or indentures in writing, to serve, and shall accordingly serve in manner herein-before mentioned, as clerk or apprentice to any such publick notary or scrivener (being also a publick notary) as aforesaid, during the residue of the said term of seven years, then such service shall be deemed and taken to be as good, effectual, and available as if such clerk or apprentice had continued to serve as a clerk or apprentice for the said term of seven years to the same person to whom he was originally bound; so as an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in like manner as is herein-before directed concerning such original contract. If any master shall die, or leave off practice, or any indenture shall be cancelled by mutual consent, or any apprentice shall be legally discharged, in such cases, if apprentices serve the residue of seven years with other masters, it shall be effectual if an affidavit be filed of the second contract.

IX. AND be it further enacted, that every person who, from and after the said first day of August, shall become bound as clerk or apprentice as aforesaid, Apprentices bound after Aug. 1, 1801,

before admission, to file affidavits that they have really served seven years.

shall, before he be admitted and inrolled a publick notary according to this Act, make before and file with the proper officer herein-before for that purpose mentioned or cause the publick notary to whom he was bound to make and file an affidavit that he hath actually and really served and been employed by such practising publick notary, to whom he was bound as aforesaid, during the whole term of seven years, according to the true intent and meaning of this Act.

If any notary shall act as such, or permit his name to be used for the profit of any person not entitled to act as a notary, he shall be struck off the roll.

X. AND be it further enacted, that from and after the said first day of August, if any publick notary shall act as such, or permit or suffer his name to be in any manner used for or on account or for the profit and benefit of any person or persons not entitled to act as a publick notary, and complaint shall be made in a summary way to the Court of Faculties wherein he hath been admitted and inrolled, upon oath, to the satisfaction of the said court, that such notary hath offended therein as aforesaid, then and in such case every such notary so offending shall be struck off the roll of faculties, and be for ever after disabled from practising as a publick notary, or doing any notarial act, save and except as to any allowance or allowances, sum or sums of money, that are or shall be agreed to be made or paid to the widows or children of any deceased publick notary or notaries, by any surviving partner or partners of such deceased notary or notaries.

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Persons applying for a faculty to become notaries within the jurisdiction of the company of scriveners, shall previously take their freedom of the company.

XIII. AND whereas the incorporated company of scriveners of London, by virtue of its charter, hath jurisdiction over its members being resident within the city of London, the liberties of Westminster, the borough of Southwark, or within the circuit of three miles of the said city, and hath power to make good and wholesome laws and regulations for the government and control of such members and the said company of scriveners practising within the aforesaid limits, and it is therefore expedient that all notaries resident within the limits of the said charter should come into and be under the jurisdiction of the said company: Be it therefore enacted, that all persons who may hereafter apply for a faculty to become a publick notary and practise within the city of London and the liberties thereof, or within the circuit of three miles of the same city, shall come into and become members and take their freedom of the said company of scriveners, according to the rules and ordinances of the said company, on payment of such and the like fine and fees as are usually paid and payable upon the admission of persons to the freedom of the said company, and shall, previous to the obtaining such faculty, be admitted to the freedom of the said company, and obtain a certificate of such freedom duly signed by the clerk of the same company for the time being, which certificate shall be produced to the master of faculties, and filed in his office prior to or at the time of issuing any faculty to such person to enable him to practise within the jurisdiction of the said company.

Act not to extend to proctors in ecclesiastical courts, secretaries to bishops, &c.

XIV. PROVIDED nevertheless, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to any proctor in any ecclesiastical court in England; nor to any secretary or secretaries to any bishop or bishops, merely practising as such secretary or secretaries; or to any other person or persons necessarily created a notary publick for the purpose of holding or exercising any office or appointment, or occasionally performing any publick duty or service under government, and not as general practitioner or prac-

titioners; anything herein-before contained to the contrary notwithstanding: Provided always, that nothing herein contained shall extend, or be construed to exempt any proctor, being also a publick notary, from the pains, penalties, forfeitures, and disabilities by this Act imposed upon any publick notary who shall permit or suffer his name to be in any manner used for or on account or for the profit and benefit of any person or persons not entitled to act as a publick notary.

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Recovery and application of penalties.

XVI. AND be it further enacted, that all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this Act shall and may be sued for and recovered in any of his Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, wherein no essoign, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with full costs of suit.

Limitation of actions.

XVII. AND be it further enacted, that if any action or suit shall be brought or commenced for any thing done in pursuance of this Act, every such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid and tried in the county wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in any other case by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue.

Treble costs.

Publick Act.

XVIII. AND be it further enacted, that this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

CHAPTER LXXXV.

AN ACT for better Payment of Fines and Forfeitures imposed by Justices out of Session, in England. [27th June 1801.]

FOR the better bringing to account and making payment of such share of fines, forfeitures, and penalties due to his Majesty, which are not by law payable to any particular persons, commissioners, or others, levied before justices of the peace acting out of session; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act,

Any justice in England out of session may receive and give a receipt for fines and forfeitures imposed by him or any other justice, which are not payable to any body corporate, &c. or other person; and shall enter an account thereof in a book in manner herein directed.

it shall be lawful for every justice of the peace acting out of session for any county, riding, city, borough, division, or place, in England, to receive all fines, forfeitures, and penalties imposed by him or any other justice of the peace as aforesaid acting out of sessions, and not made payable to any body or bodies corporate or any commissioners of any publick boards or any other person or persons, and to give receipts for the same, which receipts shall be a sufficient discharge to the parties by whom the said fines shall be payable; and every such justice shall, by himself or clerk, keep an account in a book, to be provided for that purpose, of the amount of every fine, forfeiture, or penalty, which shall have been set or imposed by any adjudication or order made by every such justice, specifying the place and time and manner of such adjudication or order, the nature of the offence, and the Act or Acts under which the same was adjudged, and the name or names of the person or persons on whom such fine, forfeiture, or penalty was set or imposed; distinguishing whether the same was paid or levied, and what part or share thereof, if any, has been or shall be paid or payable to any body or bodies corporate, commissioners, or person or persons, with the name and description of such body or bodies, commissioners, person or persons, and the authority under which he, she, or they claimed such part or share; . . . . . .

The justice shall also transmit an account of such fines, &c. to the clerk of the peace or town clerk.

II. AND be it further enacted, that any justice of the peace shall, previous to the Michaelmas sessions, annually transmit to the clerk of the peace of the county, city, or town, or clerk of the town within which such fine, forfeiture, or penalty shall have been imposed, an account in writing, stating the several fines, forfeitures, and penalties which have been imposed by him, and shewing which have been received by him, and from whom, and for what offences; [Rep., Stat. Law Rev. Act, 1872.] . . . . . .

Where two justices shall impose fines, the account shall be kept by the one resident at the place of adjudication, &c.

III. AND be it further enacted, that as often as two or more justices shall act together in setting or imposing any fine, forfeiture, or penalty, then the said account shall be kept . . . . . by such one of the said two or more justices, as shall reside at or near the place where such adjudication or order was made, or at or nearest the place where such general quarter sessions shall be held.

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CHAPTER LXXXVI.

AN ACT for granting to his Majesty additional Stamp Duties on Cards and Dice; on Probates of Wills; on certain Indentures, Leases, Bonds, or other Deeds; and on Ale Licences. [2d July 1801.]

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, and making a permanent addition to the publick revenue, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the respective times herein-after mentioned, there shall be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several and respective rates and duties following; (that is to say),

The following stamp duties to be paid in Great Britain; viz.,

. . . . . .

For every skin or piece of vellum or parchment, or sheet or piece of paper upon which shall be ingrossed, written, or printed, in Great Britain, any probate of a will, or letters of administration, [Rep., Stat. Law Rev. Act, 1861.] . . . . . on probates of wills, or letters of administration.

II. AND be it further enacted, ... that all the said duties hereby granted shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on unstamped vellum, parchment, and paper, [Rep., Stat. Law Rev. Act, 1861.] . . . . . Duties to be under the management of the commissioners of stamps.

III. AND whereas it is expedient that the duties payable in respect of probates or letters of administration should not be paid more than once on the same estate: Be it therefore enacted, that it shall be lawful for the said commissioners of stamps and they are hereby authorized and required to provide a stamp or mark distinguishable from all other stamps or marks used in relation to any stamp duties, for the purpose of stamping or marking any piece of vellum, parchment, or paper, whereon any probate of any will or letters of administration shall be ingrossed, printed, or written, in relation to any estate in respect whereof any probate or letters of administration shall have been before taken out, and the full amount of the duties payable thereon by any Act or Acts of Parliament then in force, according to the full value of such estate, shall have been duly paid and discharged; and in every case where any probate or probates, or letters of administration, shall have been taken out, duly stamped according to the full value of the estate in respect whereof the same shall have been granted, then and in such case any further or other probate or letters of administration as aforesaid, which shall be at any time thereafter applied for or in respect of such estate, shall and may be issued and granted upon any piece of vellum, parchment, or paper, stamped or marked with the stamp or mark provided by the said commissioners by virtue of this Act, for such other probates or letters of administration as aforesaid; and every such other probate or letters of administration which shall be duly stamped or marked with such stamp or mark as last aforesaid, shall be as available in the law, and of the like force and effect in all respects whatever, as if the vellum, parchment, or paper whereon the same shall be ingrossed, printed, or written, had been duly stamped with the stamp or mark, denoting the full amount of the duties payable in respect of the probate or letters of administration taken out on the full value of such estate; any thing in any Act or Acts or this Act before contained to the contrary thereof in anywise notwithstanding.

The commissioners to provide a stamp for marking probates of wills or letters of administration relating to any estate in respect whereof any probates or letters of administration shall have been before taken out, and the duties then payable discharged;

and such further probates, &c. stamped therewith shall be deemed duly stamped.

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CHAPTER LXXXVIII.

AN ACT for providing Accommodations in Assize Towns for the Judges in Ireland, where such Accommodations are not already provided.

[2d July 1801.]

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into consideration the expediency of providing accommodations in all such cities and towns in Ireland, in which assizes and commissions of oyer and terminer and gaol delivery are held, where such accommodations are not already sufficiently provided, for the judges of assize who shall be appointed

to hold the assizes in the several counties, counties of cities, and counties of towns, within their respective circuits throughout Ireland, and for their servants, horses, and carriages, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several sheriffs in Ireland, in their respective counties, shall, at every assizes and gaol delivery in such towns where the same shall be held, and where such accommodations are not already and shall not continue to be sufficiently provided, provide sufficient and suitable furnished apartments for the lodging and accommodation of the judges of assize, and of oyer and terminer, and gaol delivery, and their respective servants, and stables for their horses, and coach-houses or other fit places for their carriages, during the continuance of such assizes, and shall pay and discharge all expences attending the same.

The sheriffs in Ireland shall, at every assizes, provide suitable accommodations for the judges, and discharge the expences thereof.

II. AND be it enacted, that such sheriffs respectively shall, at the end of every assizes or gaol delivery, make out an account of the expence which shall be incurred by the means aforesaid; and the several judges of assize and gaol delivery respectively are hereby required to examine into the same, and to certify thereon the amount of the expences which such sheriff ought reasonably to pay in respect of the matters aforesaid.

Judges to examine and certify the account of such expences before payment.

III. AND be it enacted, that such sums as shall have been so certified shall be a charge on the consolidated fund of Ireland, and shall be paid to the respective sheriffs thereout, and upon production to the commissioners for the time being for executing the office of lord high treasurer of Ireland of such certificates as aforesaid, such sums shall be issued and paid by virtue of this Act to the several sheriffs who, by such certificates, shall appear to be entitled thereto respectively, without any further warrant on that behalf: Provided always, that no greater sum than twenty pounds shall be allowed or paid for such expences as aforesaid, at one assize or gaol delivery.

Such expences to be a charge on the consolidated fund of Ireland, and not to exceed 20*l.* at one assize.

CHAPTER XC.

AN ACT for the more speedy and effectual Recovery of Debts due to his Majesty, his Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain and Ireland; and for the better Administration of Justice within the same. [2d July 1801.]

FOR the more speedy and effectual recovery of debts due to his Majesty, his heirs and successors, in right of the imperial crown of this realm, and for the better administration of justice within the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, in all cases where, upon any account duly audited, declared, or recorded in his Majesty's Court of Exchequer in that part of the United Kingdom of Great Britain and Ireland called England, or upon any judgement or decree of the same Court of Exchequer, any debt or duty shall be due to his Majesty, his heirs and successors, a copy of such declared account, judge-

When, upon any account declared or recorded in the Court of Exchequer in England, or on judgement of that court,

ment, or decree, shall upon application to the said court made on behalf of his Majesty, his heirs and successors, be forthwith exemplified and transmitted under the seal of the said Court of Exchequer to his Majesty's Court of Exchequer in that part of the said United Kingdom called Ireland; which said last mentioned court shall, upon the said copy so exemplified being laid before them, forthwith cause the same to be inrolled in the rolls of the said Court of Exchequer in Ireland; and upon the same being so inrolled, the said court shall cause process to issue for levying and recovering the debt due on such declared account, or for which such judgement or decree shall have been so obtained, as well against the person of the debtor upon such declared account, or against whom such judgement or decree shall have been so obtained, as against his real and personal estate, situate, lying, and being in that part of the United Kingdom called Ireland, as fully and effectually to all intents and purposes as by the course and practice of his Majesty's Court of Exchequer in that part of the said United Kingdom called England is or may be now awarded and issued by the same court.

any debt shall be due to his Majesty, a copy of such account, &c. shall, on application, be exemplified and transmitted to the Court of Exchequer in Ireland, where it shall be inrolled, and process issued against the debtor's body and effects there.

II. AND be it further enacted, that the sheriff or other proper officer to whom such process shall be so directed, shall be compelled to account to the said Court of Exchequer for the due execution of such process; and the chancellor and barons of the said court shall take care that all monies levied by virtue of such process shall be duly paid into the receipt of the Exchequer in Ireland, and the lord high treasurer of Ireland or lords commissioners for executing the office of lord high treasurer therein shall, so soon as conveniently may be, cause the same to be remitted and paid into the receipt of the Exchequer in that part of the United Kingdom called England.

Sheriff to account for the due execution of the process; and the debt, when recovered, to be remitted to the Exchequer in England.

III. AND be it further enacted, that from and after the passing of this Act, in all the cases where, upon any such declared account duly recorded in his Majesty's Court of Exchequer in that part of the United Kingdom of Great Britain called Ireland, or upon any judgement or decree obtained in the said Court of Exchequer in Ireland, any debt shall be due to his Majesty, his heirs and successors, a copy of such declared account, judgement, or decree, shall, upon application to the said court made on behalf of his Majesty, his heirs and successors, be forthwith exemplified and transmitted under the seal of the said Court of Exchequer to his Majesty's Court of Exchequer in that part of Great Britain called England; which said last mentioned court shall, upon the said copy so exemplified being laid before them, forthwith cause the same to be inrolled in the rolls of the said Court of Exchequer in England; and upon the same being so enrolled, the said court shall cause process to issue for levying and recovering the debt due upon such declared account, or for which such judgement or decree shall have been so obtained, as well against the person of the debtor against whom judgement or decree shall have been so obtained, as against his real and personal estate, situate, lying, and being in that part of the United Kingdom called England, as fully and effectually to all intents and purposes, as by the usage and practice of his Majesty's Court of Exchequer in that part of the said United Kingdom called Ireland is or may be now awarded and issued by the said court.

In like manner where, on any such declared account recorded in the Court of Exchequer in Ireland, or on judgement of that court, any debt shall be due to his Majesty, the same regulations shall be observed for the recovery thereof in England.

IV. AND be it further enacted, that the sheriff or other proper officer to whom such process shall be so directed, shall be compelled to account to the said Court of Exchequer for the due execution of such process; and the chancellor

Sheriff to account for the due execution of the process;

and the debt, when recovered, to be remitted to the Exchequer in Ireland.

and barons of the said court shall take care that all monies levied by virtue of such process shall be duly paid into the receipt of the Exchequer in England, and the lord high treasurer of England or lords commissioners for executing the office of lord high treasurer therein shall, so soon as conveniently may be, cause the same to be remitted and paid into the receipt of the Exchequer of that part of the United Kingdom called Ireland.

Where, in any suit between party and party, or in any proceeding in cases of minors, &c., orders shall be made for payment of money, &c., by the Court of Chancery in England, a copy thereof shall be certified to the Court of Chancery in Ireland, where it shall be inrolled, and process shall be issued to enforce obedience, &c.;

V. AND be it further enacted, that in cases where, in any suit between party and party, or in any matter or proceeding by petition in cases of minors, bankrupts, idiots, or lunaticks, any decree shall be pronounced or any order made for payment or for accounting for money by the high Court of Chancery in that part of the United Kingdom called England, the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal of England for the time being respectively shall, upon application made to him or them respectively, cause a copy of such order or decree to be exemplified and certified to the Court of Chancery in that part of the United Kingdom called Ireland, under the great seal of England; and the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal of Ireland, shall forthwith cause such order or decree, when it shall be presented to them respectively so exemplified, to be enrolled in the rolls of the high Court of Chancery in Ireland, and shall cause process of attachment and committal to issue against the person of the party against whom such order or decree shall have been made respectively, in order to enforce obedience to and performance of the same, as fully and effectually, to all intents and purposes, as if such order or decree had been originally pronounced in the said Court of Chancery in Ireland; and it shall and may be lawful to and for the lord chancellor, lord keeper, or lords commissioners of the great seal of Ireland for the time being from time to time to make orders upon petition, as the occasion may require, for payment of money levied under such process as aforesaid into the Bank of Ireland, with the privity of the accountant general of the said court, to the credit and for the benefit of the party who shall have obtained such order or decree; and the governor and company of the Bank of Ireland are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery: Provided always, that no such monies shall be charged with or subject to poundage for the usher of the said Court of Chancery in Ireland, when the same shall be paid out by order of the said court.

and where such orders shall be made by the Court of Chancery in Ireland, a copy thereof shall be certified to the Court of Chancery in England, where it shall be inrolled, and process shall be issued to enforce obedience, &c.

VI. AND be it further enacted, that in all cases where, in any suit between party and party, any decree shall be pronounced or any order made for payment of or for accounting for money by the high Court of Chancery in that part of the United Kingdom called Ireland, the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal of Ireland for the time being respectively, shall, upon application made to him or them respectively, cause a copy of such order or decree to be exemplified and certified to the Court of Chancery in that part of the United Kingdom called England, under the great seal of Ireland; and the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal of England, shall forthwith cause such order or decree, when it shall be presented to them respectively so exemplified, to be enrolled in the rolls of the high Court of Chancery in England, and shall cause process of attachment and committal to issue against the

person of the party against whom such order or decree shall have been made respectively, in order to enforce obedience to and performance of the same, as fully and effectually, to all intents and purposes, as if such order or decree had been originally pronounced in the said Court of Chancery in England; and it shall and may be lawful to and for the lord chancellor, lord keeper, or lords commissioners of the great seal of England for the time being from time to time to make orders upon petition, as the occasion may require, for payment of money levied under such process as aforesaid into the Bank of England, with the privity of the accountant general of the said court, to the credit and for the benefit of the party who shall have obtained such order or decree; and the governor and company of the Bank of England are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery: Provided always, that no such monies shall be charged with or subject to poundage, when the same shall be paid out by order of the said court.

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IX. AND for the better and more effectual proof of the statute law of the kingdoms of Great Britain and Ireland, and of England and Ireland, previous to the union of the said kingdoms, in all courts of civil and criminal jurisdiction in every part of the said United Kingdom; be it enacted, that the copy of the statutes of the kingdom of England, and of the kingdom of Great Britain since the union with Scotland, printed and published by the printer duly authorized to print and publish the same by his Majesty, or by any of his royal predecessors, shall be received as conclusive evidence of the several statutes made and enacted prior to the union of the kingdoms of Great Britain and Ireland by the Parliaments of England and Great Britain respectively, in all suits, actions, or prosecutions respectively commenced, instituted, or carried on, or to be commenced, instituted, or carried on in any court of civil or criminal jurisdiction in that part of the United Kingdom called Ireland; and in like manner the copy of the statutes of the kingdom of Ireland, made and enacted by the Parliament of the same prior to the union of the kingdoms of Great Britain and Ireland, and printed and published by the printer duly authorized by his Majesty, or any of his royal predecessors, to print and publish the same, shall be received as conclusive evidence of the several statutes made and enacted by the Parliament of Ireland prior to the union of the kingdoms of Great Britain and Ireland, in all suits, actions, or prosecutions respectively commenced, instituted, or carried on, or to be commenced, instituted, or carried on in any court of civil or criminal jurisdiction in that part of the United Kingdom called Great Britain.

The statutes of England and of Great Britain, printed and published by the printer duly authorized by his Majesty shall be received as evidence in any court in Ireland, and the statutes of Ireland prior to the union, so printed and published, shall be evidence in any court in Great Britain.

CHAPTER CIII.

AN ACT to empower His Majesty to regulate the Trade and Commerce to and from the Isle of Malta until the signing a Definitive Treaty of Peace, and from thence until Six Weeks after the next Meeting of Parliament; and to declare the Isle of Malta to be Part of Europe. [2d July 1801.]

WHEREAS the island of Malta, with the dependencies thereof, are now in the possession of his Majesty, ...

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Malta shall be deemed part of Europe.

III. AND be it further enacted, that the said island of Malta and dependencies thereof shall be deemed, taken, and construed to be part of Europe for all purposes, and as to all matters and things whatever; any law or laws, usage or custom, or Act or Acts, to the contrary thereof notwithstanding.

CHAPTER CV.

AN ACT to authorise the Judges to whom Petitions for certain Bills shall be referred, to examine Witnesses upon Oath. [2d July 1801.]

WHEREAS it is expedient that the judges to whom any petition for any bill concerning lands or hereditaments in that part of the United Kingdom called Ireland, or concerning lands, hereditaments, or other heritable subjects in that part of the United Kingdom called Scotland, shall be referred by the lords spiritual and temporal in Parliament assembled, should be authorized to administer an oath to all such witnesses as may be examined before them touching the matter of such petition: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any one or more of the said judges of that part of the United Kingdom called Scotland, to whom any petition for any bill concerning lands, hereditaments, or other heritable subjects in that part of the United Kingdom called Scotland, shall be referred by the lords spiritual and temporal, in Parliament assembled, and for any one or more of the judges of that part of the United Kingdom called Ireland, to whom any such petition concerning lands or other hereditaments in that part of the United Kingdom called Ireland shall be referred as aforesaid, to examine upon oath all such witnesses as shall be produced before them touching the matter of such petition and reference, and for that purpose to administer an oath accordingly; and every oath which shall be so taken shall be as available and effectual to all intents and purposes, and every person who shall take such oath shall be punishable for any false evidence he shall give under such oath, in the same manner as if the said oath had been administered to the witness taking the same at the bar of the House of Lords.

Judges of Scotland or Ireland to whom petitions for bills respecting lands may be referred by the House of Lords, may examine witnesses on oath.

CHAPTER CIX.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts. [2d July 1801.]

WHEREAS in order to diminish the expence attending the passing of Acts of Inclosure it is expedient that certain clauses usually contained in such Acts should be comprised in one law, and certain regulations adopted for facilitating the mode of proving the several facts usually required by Parliament on the passing of such Acts: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and

temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person shall be capable of acting as a commissioner in the execution of any of the powers to be given by any Act hereafter to be passed for dividing, allotting, or inclosing any lands or grounds, except the power of signing and giving notice of the first meeting of the commissioner or commissioners for executing any such Act, and of administering the oath or affirmation herein-after directed, until he shall have taken and subscribed the oath or affirmation following:

No person shall act as a commissioner under any future Act for inclosing lands, except for the purpose of signing notice of first meeting and administering the oath, until he shall have taken the oath herein mentioned.

'I A.B. do swear [or, being one of the people called Quakers, do solemnly affirm], that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute and perform the several trusts, powers, and authorities vested and reposed in me as a commissioner, by virtue of an Act for [here insert the title of the Act], according to equity and good conscience, and without favour or affection, prejudice or partiality, to any person or persons whomsoever. So help me GOD.'

Which oath or affirmation it shall be lawful for any one of the commissioners, where more than one shall be appointed by any such Act, or any one justice of the peace for the county within which the said lands or grounds shall be situated, where only one commissioner shall be so appointed, to administer, and they are hereby respectively required to administer the same; and the said oath or affirmation so to be taken and subscribed by each commissioner, and also the appointment of every new commissioner, shall be annexed to and inrolled with the award of any commissioner or commissioners, and a copy of the inrolment thereof shall be admitted as legal evidence.

Oaths and appointment of new commissioners to be inrolled with the award, and a copy of the inrolment admitted as evidence.

II. AND be it further enacted, that every person appointed a commissioner in or by virtue of any such Act, who shall refuse or decline to act as such, shall forthwith give notice in writing to the other commissioner or commissioners of his intention to refuse or decline acting as a commissioner: Provided always, that no such commissioner shall be capable of being a purchaser of any part or parts of the lands, tenements, or hereditaments within any parish in which the lands and grounds intended to be inclosed are situate, either in his own name or in the name or names of any person or persons, until five years after the date and execution of the award to be made by any such commissioner or commissioners.

Commissioners declining to act, to give notice of such intention to the other commissioners; and no commissioner shall purchase any lands within any parish in which the inclosures are to be made for a limited time.

III. AND whereas disputes or doubts may arise concerning the boundaries of parishes, manors, hamlets, or districts, to be divided and inclosed, and of parishes, manors, hamlets, or districts adjoining thereto: Be it therefore enacted, that the commissioner or commissioners appointed in or by virtue of any such Act shall, and he or they is and are hereby authorized and required, by examination of witnesses upon oath or affirmation (which oath or affirmation any one of such commissioners is hereby empowered to administer), and by such other legal ways and means as he or they shall think proper, to enquire into the boundaries of such several parishes, manors, hamlets, or districts; and in case it shall appear to such commissioner or commissioners that the boundaries of the same respectively are not then sufficiently ascertained and distinguished, such commissioner or commissioners shall and he or they is and are hereby authorized and required to ascertain, set out, determine, and fix the same respectively; and after the said boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby

Commissioners shall inquire into the boundaries of parishes, and if not sufficiently ascertained, they shall fix them, giving previous notice of their intention so to do.

declared to be the boundaries of such parishes, manors, hamlets, or districts: Provided always, that such commissioner or commissioners (before he or they proceed to ascertain and set out the boundaries of such parishes, manors, hamlets, or districts) shall and he or they is and are hereby required to give publick notice, by writing under his or their hands to be affixed on the most publick doors of the churches of such parishes, and also by advertisement to be inserted in some newspaper to be named in such Act, and also by writing to be delivered to or left at the last or usual places of the abode of the respective lords or stewards of the lords of the manors in which the lands and grounds to be inclosed shall be situate, and of such adjoining manor or manors, ten days at least before the time of setting out such boundaries, of his or their intention to ascertain, set out, determine, and fix the same respectively; and such commissioner or commissioners shall, within one month after his or their ascertaining and setting out the same boundaries, cause a description thereof in writing to be delivered to or left at the places of abode of one of the churchwardens or overseers of the poor of the respective parishes, and also of such respective lords or stewards: Provided always, that if any person or persons interested in the determination of the said commissioner or commissioners respecting the said boundaries shall be dissatisfied with such determination, such person or persons may appeal to the justices of the peace acting in and for the county in which such lands or grounds shall be situate, at any general quarter session of the peace to be holden within four calendar months next after the aforesaid publication of the said boundaries by delivering or leaving such description as aforesaid, the party or parties making such appeal giving eight days notice of such appeal and of the matter thereof in writing to the commissioners; and the decision of the said justices therein shall be final and conclusive, and shall not be removed or removeable by certiorari or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster, or elsewhere.

Commissioners shall cause a description of boundaries to be delivered to one of the churchwardens, &c. of the respective parishes, and the lords of manors or their stewards.

Persons dissatisfied may appeal to the quarter sessions.

Decision at the sessions to be final.

IV. AND be it further enacted, that a true, exact, and particular survey, admeasurement, plan, and valuation, of all the lands and grounds to be divided, allotted, and inclosed by any such Act, and also of all the messuages, cottages, orchards, gardens, homesteads, ancient inclosed lands and grounds, within any such parish or manor, shall be made and reduced into writing by such commissioner or commissioners, or by such other person or persons as he or they shall nominate and appoint, as soon as conveniently may be, for the purposes of such Act, and the number of acres and decimal parts of an acre, in statute measure, contained in all the lands and grounds directed or authorized to be divided, allotted, and inclosed, and also in all the ancient inclosed lands, grounds, and homesteads aforesaid, and of each and every proprietor's distinct property in the same respectively, at the time of making such survey and admeasurement, shall be therein set forth and specified; and that the said survey, admeasurement, plan, and valuation, shall be kept by such commissioner or commissioners; and the person or persons who shall make such survey, admeasurement, plan, and valuation, shall verify the same upon oath or affirmation, at any meeting to be held after the making thereof (which oath or affirmation the commissioners, or any one of them, are and is hereby empowered and required to administer); and the proprietors and their respective agents, and all persons interested therein, shall at all seasonable times have

A survey, admeasurement, plan, and valuation of the lands, &c. to be inclosed shall be made, and kept by the commissioners, which shall be verified by the persons making them.

Proprietors may inspect admeasure-

liberty to peruse and inspect such admeasurement and plan only, and to take copies thereof and extracts therefrom respectively.

ments and plans and take copies.

V. AND be it further enacted, that for surveying, admeasuring, and valuing all the said lands and grounds, and for other the purposes of such Act, it shall be lawful for such commissioner or commissioners, every or any of them, or the person or persons to be appointed by him or them to make such survey, admeasurement, plan, and valuation, together with their and every of their assistants, and servants, at any time or times whatsoever, until such division shall be completed, to enter, view and examine, survey and admeasure, all and every part of the lands and grounds intended to be divided and allotted, and also all the ancient inclosed lands, grounds, and homesteads, directed to be surveyed, and to do or cause to be done any act or thing necessary for putting such Act into execution: Provided always, that any map or survey made at the time of passing any such Act, which shall be tendered to such commissioner or commissioners, and which shall be in his or their judgment, and to his or their satisfaction, a just and true map or survey, proper for the purpose of carrying such Act into execution, may be used for that purpose, if the said commissioner or commissioners shall think fit, without any new map or survey being made of such part of the lands and grounds as shall be comprised in any such approved map or survey as aforesaid.

Until the division shall be completed the lands may be entered by the commissioners, or any persons they may appoint to make surveys, &c.

Maps made at the time of passing Acts may be used, without making new ones, if the commissioners shall think fit.

VI. AND be it further enacted, that all persons and bodies corporate or politick, who shall have or claim any common or other right to or in any such lands so to be inclosed, shall deliver or cause to be delivered to such commissioner or commissioners, or one of them, at some one of such meetings as the said commissioner or commissioners shall appoint for the purpose (or within such further time, if any, as the said commissioner or commissioners shall for some special reason think proper to allow for that purpose) an account or schedule in writing, signed by them, or their respective husbands, guardians, trustees, committees, or agents, of such their respective rights or claims, and therein describe the lands and grounds, and the respective messuages, lands, tenements, and hereditaments, in respect whereof they shall respectively claim to be entitled to any and which of such rights in and upon the same or any part thereof, with the name or names of the person or persons then in the actual possession thereof, and the particular computed quantities of the same respectively, and of what nature and extent such right is, and also in what rights and for what estates and interests they claim the same respectively, distinguishing the freehold from the copyhold or leasehold; or on non-compliance therewith, every of them making default therein shall, as far only as respects any claim so neglected to be delivered, be totally barred and excluded of and from all right and title in or upon such lands so to be divided respectively, and of and from all benefit and advantage in or to any share or allotment thereof; all which said claims or accounts shall, at all seasonable times until after the execution of the said award, be open to the inspection and perusal of all parties interested or claiming to be interested in the premises, their respective agents or attornies, who may take copies thereof or extracts therefrom respectively; and if any person or persons, or body politick or corporate interested or claiming to be interested in the premises, shall have any objection to offer to any such account or claim, the particulars of such objection

Claimants of rights in lands to be inclosed shall deliver to the commissioners schedules of claims, or shall be excluded; which claims may be inspected and copies taken.

Objections to claims shall be delivered to the commissioners

at or before the meeting appointed for that purpose, or shall not be received except for special cause.

shall be reduced into writing and signed by them or their respective husbands, guardians, trustees, committees, or agents, and shall be delivered to the said commissioner or commissioners, at or before some other meeting of such commissioner or commissioners, to be by him or them appointed for that purpose; and no such objection shall afterwards be received, unless for some legal disability or special cause to be allowed by the said commissioner or commissioners.

Commissioners not hereby authorised to determine disputes touching rights; but they shall assign the allotments to the persons in actual possession of the lands, in right whereof the allotment is made.

VII. PROVIDED also, and be it further enacted, that nothing herein contained shall authorize such commissioner or commissioners to hear and determine any difference or dispute which may arise, touching the right or title to any lands, tenements, or hereditaments, but such commissioner or commissioners shall assign and set out the several allotments directed to be made unto the person or persons who, at the time of the division and inclosure, shall have the actual seisin or possession of the lands, tenements, or hereditaments, in lieu or in right whereof such allotment shall be respectively made: Provided also, that no difference or suit touching the title to any lands, tenements, or hereditaments shall impede or delay the commissioner or commissioners in the execution of the powers vested in him or them, by virtue of any such Act, but the division or inclosure directed to be made shall be proceeded in notwithstanding such difference or suit.

Commissioners before making any allotments shall appoint publick carriage roads, and prepare a map thereof to be deposited with their clerk, and give notice thereof, and appoint a meeting, at which, if any person shall object, the commissioners, with a justice of the division, shall determine the matter.

VIII. AND be it further enacted, that such commissioner or commissioners shall and he or they is and are hereby authorized and required, in the first place, before he or they proceed to make any of the divisions and allotments directed in and by any such Act, to set out and appoint the publick carriage roads and highways, through and over the lands and grounds intended to be divided, allotted, and inclosed, and to divert, turn, and stop up any of the roads and tracks upon and over all or any part of the said lands and grounds as he or they shall judge necessary, so as such roads and highways shall be and remain thirty feet wide at the least, and so as the same shall be set out in such directions as shall, upon the whole, appear to him or them most commodious to the publick, and he or they are hereby further required to ascertain the same by marks and bounds, and to prepare a map in which such intended roads shall be accurately laid down and described, and to cause the same, being signed by such commissioner, if only one, or the major part of such commissioners, to be deposited with the clerk of the said commissioner or commissioners for the inspection of all persons concerned, and as soon as may be after such carriage roads shall have been so set out and such map so deposited, to give notice in some newspaper to be named in such Bill, and also by affixing the same upon the church door of the parish in which any of the lands so to be inclosed shall lie, of his or their having set out such roads and deposited such map, and also of the general lines of such intended carriage roads, and to appoint in and by the same notice a meeting to be held by the said commissioner or commissioners at some convenient place in or near to the parish or township within which the said inclosure is to be made, and not sooner than three weeks from the date and publication of such notice, at which meeting it shall and may be lawful for any person who may be injured or aggrieved by the setting out of such roads to attend, and if any such person shall object to the setting out of the same, then such commissioner or com-

missioners, together with any justice or justices of peace, acting in and for the division of the county in which such inclosure shall be made, and not being interested in the same, who may attend such meeting, shall hear and determine such objection, and the objections of any other such person, to any alteration that the said commissioner or commissioners, together with such justice or justices, may in consequence propose to make, and shall and he or they are hereby required, according to the best of their judgement upon the whole, to order and finally direct how such carriage roads shall be set out, and either to confirm the said map or make such alterations therein as the case may require: Provided always, that in case such commissioner or commissioners shall by such Bill be empowered to stop up any old or accustomed road passing or leading through any part of the old inclosures in such parish, township, or place, the same shall in no case be done without the concurrence and order of two justices of the peace acting in and for such division, and not interested in the repair of such roads, and which order shall be subject to an appeal to the quarter sessions, in like manner and under the same forms and restrictions as if the same had been originally made by such justice as aforesaid.

If the commissioners, by any Bill, shall be empowered to stop up any old road, it shall not be done without the order of two justices, which order shall be subject to appeal to the quarter sessions.

IX. AND be it further enacted, that such carriage roads so to be set out as aforesaid shall be well and sufficiently fenced on both sides by such of the owners and proprietors of the lands and grounds intended to be divided, allotted, and inclosed, and within such time as such commissioner or commissioners shall, by any writing under his or their hands, direct or appoint, and that it shall not be lawful for any person or persons to set up or erect any gate across any such carriage road, or to plant any trees in or near to the hedges on the sides thereof at a less distance from each other than fifty yards; and such commissioner or commissioners shall and he or they is and are hereby empowered and required, by writing under his or their hands, to nominate and appoint one or more surveyor or surveyors, with or without a salary, for the first forming and completing such parts of the said carriage roads as shall be newly made, and for putting into complete repair such part of the same as shall have been previously made, which salary (if any) and also the expence of forming, completing, and repairing such roads respectively, over and above a proportion of the statute duty on the roads so to be repaired, shall be raised in like manner as the charges and expences of obtaining and passing any such Act and of carrying the same into execution shall be thereby directed to be raised, and shall be paid to such surveyor or surveyors on or before the execution of the award of such commissioner or commissioners; and in case the same shall be thereby provided to be raised by sale of any part of the lands so to be divided and inclosed, that then such commissioner or commissioners shall make a conditional rate upon the owners and proprietors of the same in case the produce of such sale should prove insufficient for the purposes aforesaid; and such surveyor or surveyors shall, and he or they is and are hereby directed to be in all respects subject to the jurisdiction and controul of the justices of the peace acting in and for the county in which such roads shall respectively lie, and shall account to such justices in like manner for all monies so to be by him or them received and expended, and for the re-payment of any surplus which may remain in his or their hands to such persons as shall

The carriage roads shall be fenced on both sides by such of the land owners as the commissioners shall direct, and no person shall erect any gate across any road, or plant any trees on the sides at less than 50 yards distance.

The commissioners shall appoint surveyors, and if with a salary such salary and the expence of making the road over and above the statute duty, shall be raised as other expences, and paid on or before execution of the award.

Surveyors to be subject to the controul of the justices, and shall account to them for monies received.

Justices may levy rates.

have been liable to contribute thereto, according to the proportion so as above ascertained by such commissioner or commissioners; and such justices shall have the like powers of levying any such rate as may by them be thought necessary for the purposes aforesaid, according to the proportions previously ascertained by such commissioner or commissioners, as if such surveyor or surveyors had been appointed under or by virtue of the general highway Act passed in the thirteenth year of the reign of his present Majesty; and in case such surveyor or surveyors shall neglect to complete and repair such roads respectively within the space of two years after such award, unless a further time not exceeding one year shall for that purpose be allowed by such justices, and then within such further time, he or they shall forfeit the sum of twenty pounds, and the inhabitants at large of the parish, township, or place wherein such roads shall be respectively situate shall be in no wise charged or chargeable towards forming or repairing the said roads respectively, except such proportion of such statute duty as aforesaid, till such time as the same shall by such justices in their special sessions be declared to be fully and sufficiently formed, completed, and repaired, from which time and for ever thereafter the same shall be supported and kept in repair by such persons and in like manner as the other publick roads within such parish, township, or place are by law to be amended and kept in repair.

If surveyors neglect to complete roads within a limited time, they shall forfeit 20*l.*, and the inhabitants shall not be chargeable with the formation or repair (except statute duty), till roads declared to be completed at a special sessions.

Commissioners shall appoint private roads, &c.

X. AND be it further enacted, that such commissioner or commissioners shall and he or they is and are hereby empowered and required to set out and appoint such private roads, bridleways, footways, ditches, drains, watercourses, watering places, quarries, bridges, gates, stiles, mounds, fences, banks, bounds, and land marks in, over, upon, and through or by the sides of the allotments to be made and set out in pursuance of such Act, as he or they shall think requisite, giving such notice and subject to such examination as to any private roads or paths as are above required in the case of publick roads; and the same shall be made and at all times for ever thereafter be supported and kept in repair by and at the expence of the owners and proprietors for the time being of the lands and grounds directed to be divided and inclosed, in such shares and proportions as the commissioner or commissioners shall in and by his or their award order and direct.

The grass and herbage on roads shall belong to the proprietors of the lands adjoining on either side; and all roads which shall not be set out shall be allotted and inclosed.

No turnpike road shall be altered without the consent of the trustees.

XI. AND be it further enacted, that after such publick and private roads and ways shall have been set out and made, the grass and herbage arising thereon shall for ever belong to and be the sole right of the proprietors of the lands and grounds which shall next adjoin the said roads and ways on either side thereof as far as the crown of the road; and all roads, ways, and paths over, through, and upon such lands and grounds, which shall not be set out as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as part of the lands and grounds to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly: Provided, that nothing herein contained shall extend, or be construed to extend, to give such commissioner or commissioners any power or authority to divert, change, or alter any turnpike road that shall or may lead over any such lands and grounds, unless the consent of the majority of the trustees of such turnpike road, assembled at some publick meeting called for that purpose on ten days notice, be first had and obtained.

Commissioners, in making allotments, to have regard to the situation of houses as well as the quantity and quality of land, so far as consistent with general convenience.

XII. AND be it further enacted, that such commissioner or commissioners, in making the several allotments directed by any such Act, shall have due regard, as well to the situation of the respective houses or homesteads of the proprietors as to the quantity and quality of the lands and grounds to be allotted to them respectively, so far as may be consistent with the general convenience of the said proprietors; and that such commissioner or commissioners, in making the said allotments, shall have particular regard to the convenience of the owners or proprietors of the smallest estates in the lands and grounds directed to be allotted and exchanged.

Commissioners may direct small allotments to be laid together and ring-fenced, and stocked and depastured in common by the proprietors.

XIII. AND whereas the proprietors and persons interested in open common fields, meadows, pastures, commons, and waste lands directed to be divided and allotted, whose allotments thereof will be small and expensive to inclose, may be desirous of stocking and depasturing their allotments in common, and of sharing such produce as may grow thereon, under proper regulations: Be it therefore further enacted, that such commissioner or commissioners shall be and he or they is and are hereby fully authorized and empowered, on application of the parties interested at their first or second meeting for receiving claims, and on an attentive view and full consideration of the premises, to award, order, and direct any such allotments to be laid together and ring-fenced, and to be stocked and depastured in common, and to make such orders and regulations for the equitable enjoyment thereof, and for the participation of any produce growing or to grow thereon, as such commissioner or commissioners may think beneficial and proper for the said several parties interested therein.

Allotments to be in full compensation for all rights in the lands.

XIV. AND be it further enacted, that the several shares of and in any lands or grounds which shall upon any such division be assigned, set out, allotted, and applied unto and for the several persons who shall be entitled to the same, shall, when so allotted, be and be taken to be in full bar of and satisfaction and compensation for their several and respective lands, grounds, rights of common, and all other rights and properties whatsoever which they respectively had or were entitled to in and over the said lands and grounds immediately before the passing of any such Act; and that from and immediately after the making the said division and allotments, and the execution of the award of such commissioner or commissioners, or at any other time as such commissioner or commissioners shall, by writing under his or their hands, to be affixed on the principal door of the church of the parish in which the lands and grounds shall be situate, direct or appoint, all rights of common, and all rights whatsoever by such Act intended to be extinguished, belonging to or claimed by any person or persons whomsoever, bodies politick or corporate, in, over, or upon such lands or grounds, shall cease, determine, and be for ever extinguished.

Commissioners may allot messuages, lands, &c. in exchange for others, with the consent of the proprietors, or if belonging to churches, &c. with the consent of the

XV. AND be it further enacted, that such commissioner or commissioners shall and he or they is and are hereby authorized to set out, allot, and award any messuages, buildings, lands, tenements, hereditaments, new allotments, or old inclosures, within such parish or manors, in lieu of or in exchange for any other messuages, buildings, lands, tenements, hereditaments, new allotments, or old inclosures within the said parish or manors, or within any adjoining parish or place; so as that all such exchanges be made with the consent of the respective owners, proprietors, or other persons, seised of the

bishop and of the patron.

lands, hereditaments, and premises which shall respectively be so exchanged as aforesaid, or of the husbands, guardians, trustees, committees, or attornies acting for or on behalf of such owners, proprietors, or other persons respectively, who are under coverture, minors, lunaticks, or beyond the seas, or under any other disability or incapacity of acting for themselves (such consent to be testified by writing under their respective hands); and so that all such exchanges be ascertained, specified, and set forth in the award of such commissioner or commissioners; and so that all such exchanges of any lands, tenements, or hereditaments, belonging to or held in right of any church, chapel, or ecclesiastical benefice, shall also be made with the like consent in writing of the bishop of the diocese, and of the patron of any church, chapel, or ecclesiastical benefice for the time being; and all such exchanges so made as aforesaid shall be for ever good, valid, and effectual in the law, to all intents and purposes whatsoever.

Commissioners may make allotments in severalty to joint tenants or tenants in common.

XVI. AND whereas it may happen that some of the proprietors of messuages, cottages, tenements, or lands, in any such parish or manor, and persons entitled to allotment or allotments to be made by virtue of any such Act, may be seised thereof or entitled thereto in joint tenancy, or as coparceners, or tenants in common, and cannot, by reason of infancy, settlement, or absence beyond seas, make an effectual division thereof: Be it therefore further enacted, that it shall be lawful for any such commissioner or commissioners, and he or they is and are hereby authorized and empowered (upon the request in writing of such joint tenants or coparceners, or tenants in common, or any or either of them, or of the husbands, guardians, trustees, committees, or attornies of such as are under coverture, minors, lunaticks, or under any other incapacity as aforesaid, or absent beyond seas,) to make partition and division of the messuages, cottages, tenements, lands, and allotment or allotments, to such of the said owners or proprietors who shall be entitled to the same as joint tenants, coparceners, or tenants in common, and to allot the same accordingly to such owners and proprietors in severalty; and from and immediately after the said allotments shall be so made and declared, the same shall be holden and enjoyed by the person or persons to whom the same shall be allotted in severalty, in such and the same manner, and subject to such and the same uses, as the undivided parts or shares of such estates would have been held in case such partition and division had not been made.

Persons to accept their allotments in a limited time, or to forfeit their right.

XVII. AND be it further enacted, That all and every person or persons, to whom any allotment or allotments shall be made by virtue of any such Act, shall and he, she, or they is and are hereby required to accept his, her, and their respective allotments within the space of two calendar months next after the execution of the award directed to be made in and by any such Act; and in case any person or persons shall neglect or refuse to accept of his, her, or their share or allotment within the time before mentioned, such person or persons so neglecting or refusing shall be totally excluded from having or receiving any estate or interest or right of common whatsoever, in any part of the lands and grounds to be divided and inclosed by virtue of any such Act.

Guardians, &c. may accept for incapacitated persons, and tenants for life shall accept of allotments.

XVIII. PROVIDED always, and be it further enacted, that it shall and may be lawful for the respective guardians, husbands, trustees, committees, or attornies of any person or persons being minors, femes covert, lunaticks, beyond the seas, or otherwise incapable by law, to accept any such allotments as shall

be made by virtue of any such Act, to and for the use of such person or persons so incapacitated as aforesaid; and also that any person or persons entitled to any allotment or allotments as tenant or tenants for life or lives, shall be and he, she, and they is and are hereby respectively enabled and required to accept of and take such allotment or allotments respectively; and every such acceptance respectively shall be and is hereby declared to be valid and effectual, to all intents and purposes whatsoever: Provided further, that the non-claim or non-acceptance of any such guardian, husband, trustee, committee, or attorney, shall not exclude or in any way prejudice the right of any infant, feme covert, lunatick, or other person or persons being under any disability or incapacity as aforesaid, or absent beyond the seas, who shall claim or accept such share or allotment within twelve calendar months next after such disability or incapacity shall be removed, or of any person entitled as heir in remainder after the death of any person dying during such incapacity or disability, who shall claim or accept the same within one year next after his, her, or their right, title, or interest shall have accrued, descended, or vested, or be known so to be.

Non-acceptance of guardians, &c. shall not prejudice the rights of incapacitated persons or their heirs who shall accept in a limited time after being able so to do.

XIX. AND be it further enacted, that after the allotments shall be set out by such commissioner or commissioners, and at any time before the execution of his or their award, it shall be lawful for any person or persons to whom any allotment or allotments shall be so made and staked or marked out, by and with the consent of such commissioner or commissioners in writing under his or their hands, to ditch, fence off, and inclose their respective allotments, in such manner as such commissioner or commissioners shall so direct and appoint.

Before execution of the award, allotments may be ditched and inclosed, with the consent of the commissioners.

XX. AND be it further enacted, that the timber trees and other trees, thorns, and bushes standing and growing upon any waste lands or other lands to be allotted by such Act, shall be allotted and go along with the lands whereon they respectively stand, and shall be deemed the property of the several persons to whom the same lands shall be respectively allotted, such persons paying to the owner or respective owners of the said trees such sums of money for the same, and at such time or times, and place or places, as the said commissioner or commissioners shall by writing under his or their hand or hands direct; but if the said parties who are to make such respective payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective parties who shall be entitled to have and receive such payments, to enter on the said lands, and cut down, take, and carry away to their own use the said trees, thorns, or bushes, in respect of which the said payments were respectively to be made to them, at any seasonable time or times within one year next after such neglect or default, they doing as little damage on the said lands as may be.

Trees, &c. to be allotted with the lands whereon they stand, the parties paying to the owners such sums as the commissioners shall direct; but in case of neglect the owners may cut them down and take them away.

XXI. AND be it further enacted, that whenever any sum of money is under the provisions of this Act, or any such Bill, to be paid for the purchase or exchange of any lands, tenements, or hereditaments, or of any timber or wood growing therein, and which sum of money ought to be laid out in the purchase of other lands, tenements, or hereditaments, to be settled to the same uses, it shall and may be lawful to and for such commissioner or commissioners out of such sum to defray such proportion of the expence of passing such Act and of carrying the same into execution, as shall, if any, be charged upon any of the lands, tenements, or hereditaments of the person or persons, body politick or

Where money to be paid for lands, &c. ought to be laid out in other purchases to be settled to the same uses, the commissioners may thereout defray a proportion of the

expences of passing the Act and putting it in execution, &c.; and if the surplus amount to 200*l.* it shall, as soon as may be, be laid out in other purchases, and shall in the meantime be paid into the Bank and applied under the direction of the Court of Chancery.

corporate, trustees or feoffees in possession of the lands, tenements, or hereditaments so sold or exchanged, or on which such timber or wood actually grew and also the expence of any permanent improvement, such as building, subdividing, draining, or planting, and the like, which shall in the judgement of such commissioner or commissioners be proper to be made, and shall be made under his or their direction, upon any lands to be by virtue of such Act allotted to such person or persons, body politick or corporate, trustees or feoffees respectively; and in case the surplus of such money shall amount to the sum of two hundred pounds, then the same shall with all convenient speed be invested in the purchase of any lands or hereditaments, which shall be conveyed and settled upon and subject to the like uses, trusts, and limitations, as such lands so sold or exchanged, or the lands on which such timber grew, were settled, limited, or assured; and in the meantime, and until such purchase can be made, such money shall be paid into the Bank of England, in the name and with the privity of the accountant general of the high Court of Chancery, to be placed to his account there ex parte the said commissioner or commissioners, without fee or reward, to the intent that such money shall be applied, under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to such lands, tenements, and hereditaments, or timber respectively, either in or towards the redemption or purchase of land tax, or towards the discharge of any debts or incumbrances affecting the lands or hereditaments so purchased or exchanged or on which such timber grew, or until the same shall, upon the like application in a summary way, be laid out by order of the said court in the purchase of other lands or hereditaments to be settled to the like uses; and in the meantime and until order can be made, such money may by order of the said court be laid out in some of the publick funds or on government or real securities, and the dividends or interest arising therefrom shall, by order of the said court, be paid to such person or persons, as would, for the time being, be entitled to the rents and profits of such lands, tenements, and hereditaments so to be purchased, conveyed, and settled.

If such money be less than 200*l.* and upwards of 20*l.* it shall, at the option of the person entitled to the rents of the lands, be paid into the Bank, or to two trustees to be approved of by the commissioners, to be applied as before directed;

XXII. PROVIDED always, and be it further enacted, that if any such money shall be less than the sum of two hundred pounds and shall exceed the sum of twenty pounds, then and in such case the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the lands or hereditaments so purchased, or of his, her, or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the Bank in the name and with the privity of the said accountant general of the high Court of Chancery, and be placed to his account as aforesaid, in order to be applied in the manner before directed; or otherwise the same shall be paid at the like option to two trustees to be nominated by the person or persons making such option, and approved of by the commissioner or commissioners (such nomination and approbation to be signified in writing under the hands of the nominating and approving parties) in order that such principal money and the dividends arising thereon may be applied in manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the direction or approbation of the said Court of Chancery.

XXIII. PROVIDED also, and be it further enacted, that where such money shall be less than twenty pounds, then and in such case the same shall be applied to the use of the person or persons who would for the time being have been entitled to the rents and profits of the lands or hereditaments so purchased in such manner as the said commissioner or commissioners shall think fit, or, in case of infancy or lunacy, then to his, her, or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

and if less than 20*l.* it shall be applied to the use of the person entitled to the rents of the lands, as the commissioners shall think fit.

XXIV. AND be it further enacted, that if any person to whom any allotment or allotments shall be made, or any guardian, husband, trustees, feoffees, committees, or attorney of any infant, feme covert, charity or charities, lunatick, idiot, person or persons beyond the seas or otherwise incapable of acting respectively, or any tenant in tail or for life, or trustee or trustees for any settlement, or any mortgagee or mortgagees, or other creditor in possession, shall neglect or refuse to accept, inclose, and fence his, her, or their allotment or allotments, within such time or times as such commissioner or commissioners, by any writing as aforesaid, or by his or their award, shall order or direct, it shall be lawful for such commissioner or commissioners to cause such allotment or allotments to be inclosed and fenced, and to let the same to any person or persons he or they may think proper, and to receive the rents and profits thereof, until the expences attending the inclosure and fencing thereof are paid and satisfied, or to charge such expences upon the proprietor or proprietors of the same allotment or allotments; and by any such writing as aforesaid, or by his or their said award, to appoint to whom, and at what time or times the same shall be paid, subject to the same mode, and with the like powers of recovery thereof, as may be provided respecting the other expences of passing any such Act, and carrying the same into execution, or otherwise directed by any such Act.

If any person does not accept, inclose, and fence his allotment as the commissioners shall direct, they may cause it to be inclosed and fenced and let, and may receive the rents until the expences are satisfied, or may charge the expences upon the proprietor.

XXV. AND be it further enacted, that it shall be lawful for the several proprietors of the allotments to be made in pursuance of any such Act, their agents or workmen, at any seasonable time or times within the space of seven years next after the fencing of any allotment or allotments, to set up and erect posts and rails, or other dead fences, on the outside of the ditches bounding their respective allotments, not exceeding three feet from such ditches, for the preservation of their quickset hedges, and at any seasonable time or times before the expiration of the said term to take and carry away the materials of such outside fences when they shall think proper.

Within seven years after fencing of allotments, outside fences may be erected to preserve the hedges, and such fences may be removed by the proprietors.

XXVI. AND be it further enacted, that no fences or hedges which at the time of the passing of any such Act shall be standing or growing in or upon any of the lands directed to be divided and inclosed, shall be cut down or destroyed by the owners and proprietors thereof after the passing of such Act, until the execution of the award, without the consent of such commissioner or commissioners first had and obtained in writing for that purpose; and if any such fences or hedges shall be assigned or approved by such commissioner or commissioners as and for a boundary fence, or as and for a subdivision fence to and for any of the allotments to be made in pursuance of such Act, all such fences and hedges shall be left uncut for the benefit of the person or persons to whom such allotment or allotments shall belong; and he, she, or they shall

No fences or hedges standing when any Act is passed shall be destroyed till the execution of the award, without consent of the commissioners; and if assigned by them as boundary or division fences, they shall be left uncut, the

persons to whom the allotments shall belong making compensation to the former owners.

make such compensation in money to the former owners and proprietors thereof as such commissioner or commissioners shall by writing under his or their hand or hands in that behalf order and appoint, subject to the same mode, and with the like powers of recovery thereof, as may in such Act be provided respecting the other expences of passing any such Act, and carrying the same into execution.

Where the boundary of any common fields or inclosed grounds shall be fenced by any mound, &c. the proprietors of the adjoining allotments shall not be compelled to fence them next such common fields and inclosed grounds, and such boundaries shall be maintained by the respective proprietors.

XXVII. PROVIDED always, and be it further enacted, that no proprietors whose allotments or shares shall, upon any such inclosure, lie and be situate next and adjoining to any common fields or inclosed grounds, the boundary of which shall be fenced by any mound, fence, brook, or rivulet, shall be compelled to make or erect any hedges, ditches, or fences next adjoining to any such common fields or inclosed grounds for inclosing such their allotments or shares; but that the whole mound, fence, brook, or rivulet, or other sufficient fences which divide any such common fields or inclosed grounds from such allotments, shall for ever be and remain a boundary fence for the purpose of such division, and shall from time to time be maintained, kept, cleansed, scoured, and repaired, by the respective proprietors thereof, in the same manner as before the passing of this Act, or in such other manner as such commissioner or commissioners shall order and direct: Provided nevertheless, that in case it shall happen that some of the proprietors shall have a greater proportion of fences to make and maintain upon any of the lands directed to be divided and inclosed than in the judgment of such commissioner or commissioners the allotments of such proprietors ought to be charged with, it shall be lawful for such commissioner or commissioners, where he or they shall judge it proper, to ascertain and appoint such sum of money to be paid to every such proprietor towards making and maintaining such fences, by such other of the proprietors who may have a less proportion of fencing, according to the value and quantity of the lands to be allotted to them, and to grant such other relief in respect thereof, out of the money to be raised for defraying the expences of carrying such Act into execution, as he or they shall think reasonable, and in case any such money shall be so directed to be raised, in order that the said boundary fences may be brought as near as may be to a just and equal proportion.

Commissioners may apportion the expences of fencing.

If any person shall destroy or damage any fence, &c. put up under the authority of any Act, he shall forfeit 5*l.*, and the proprietor of the lands, &c. may give evidence.

XXVIII. AND be it further enacted, that in case any person or persons shall wilfully and unlawfully break down, destroy, carry away, or damage any fence, stile, post, rail, gate, bridge, or tunnel which may be put up or placed under the authority and for the purposes of any such Act, every person so offending, and being thereof convicted before any justice of the peace for the county in which the lands or grounds to be inclosed shall be situate, on confession or on proof of the offence by oath of one or more credible witness or witnesses (which oath the said justice is hereby authorized to administer), shall for every such offence forfeit and pay any sum not exceeding five pounds; and every person shall be allowed to give evidence of such offence notwithstanding he may be a proprietor or occupier of lands within, or an inhabitant of such parish, and notwithstanding he may be the owner of any such fence, stile, post, rail, gate, bridge, or tunnel; to be recovered as herein-after provided.

XXIX. AND whereas it may often be provided by such Act that the expences of obtaining the same, and also the expences of carrying the same into

execution, shall be paid in proportion by the proprietors of lands or grounds to whom any allotments shall be made: Be it further enacted, that in such case, when and so often as any such person or persons, except the person or persons thereby exempted from payment of any such charges and expences, shall refuse or neglect to pay his, her, or their proportion of the charges and expences, or shall refuse or neglect to pay the expences attending the inclosing and fencing of any such allotments as upon the neglect or refusal of the proprietors shall be inclosed and fenced by such commissioner or commissioners as herein-after mentioned, at the respective days and times to be appointed for payment of such charges and expences, it shall be lawful for such commissioner or commissioners, by any warrant or warrants under his or their hands and seals directed to any person or persons whomsoever, to cause the said costs, charges, and expences, and sum or sums of money respectively, to be levied by distress and sale of the goods and chattels of the person or persons so making default in payment as aforesaid, his, her, or their husbands, guardians, trustees, committees, or attornies, wheresoever the same shall be found, rendering the overplus (if any), on demand, to the owner or owners of such goods and chattels, the reasonable charges of such warrant, distress, and sale being first deducted, together with the interest after the rate of five pounds per centum per annum, to be computed on such share or shares, proportion or proportions, from the time the same shall be directed to be paid by such commissioner or commissioners as aforesaid; or otherwise it shall be lawful for such commissioner or commissioners, or any person or persons authorized by him or them, to enter upon and take possession of the premises so to be allotted to such person or persons refusing or neglecting to pay as aforesaid, and to receive and take the rents and profits thereof, until thereby, therewith, or otherwise, the share or shares, proportion or proportions, and the said costs and charges so ordered and directed by such commissioner or commissioners to be paid by such person or persons as aforesaid, and all interest on such share or shares, proportion or proportions, to be computed from the time the same shall by such commissioner or commissioners be directed to be paid as aforesaid, and also all costs, charges, and expences occasioned by or attending such entry upon and perception of the rents and profits of the said premises, shall be fully paid and satisfied.

If it shall be provided by any Act that the expences of obtaining and carrying it into execution shall be paid by the proprietors, and they neglect so to do, the commissioners may cause the same to be levied by distress, or may take possession of the allotments, and receive the rents, till satisfied.

XXX. AND be it further enacted, that in such case as last aforesaid, it shall be lawful for the husbands, guardians, trustees, committees, or attornies of any of the owners or proprietors of such allotment or exchanged lands, being under coverture, minors, lunaticks, beyond the seas, or under any other disability, and for any of the said owners or proprietors being tenants in tail, or for life or lives, or years determinable on a life or lives, or on any other contingency, or otherwise, interested as aforesaid (except the rector or vicar of such parish), to charge such allotments or exchanged lands and premises with such sum or sums of money as such commissioner or commissioners shall, by his or their award, or by writing under his or their hands either before or after the execution of such award, adjudge necessary to pay and defray the said respective shares of the charges and expences incident to and attending the obtaining such Act and carrying the same into execution, and of charging the said lands as aforesaid, so that the same shall not exceed five pounds for every acre of such allotments or exchanged lands, and to grant, mortgage, surrender, lease,

Husbands, &c. or owners with limited interests may charge allotments with such sums as the commissioners shall adjudge necessary for defraying the aforesaid expences; and if persons in possession liable to a share of such expences, or enabled to charge the lands with the same, shall advance the money, the

commissioners may mortgage the lands to them for reimbursement.

or demise, or otherwise subject the lands, tenements, and hereditaments so to be charged, unto such person or persons who shall advance and lend the same respectively, his, her, or their executors, administrators, and assigns, for any term or number of years; or in case any person in possession, who shall or may be liable to and charged with a share of the expences as aforesaid, or enabled by this or any such Act to charge such lands and grounds with the same, shall choose to advance, pay, and discharge such sum or sums of money, then it shall be lawful for the said commissioner or commissioners, by any deed or writing under his or their hands and seals, to be attested by two or more credible witnesses, in like manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said lands, tenements, and hereditaments to such person or persons respectively paying and discharging the same, his, her, or their executors, administrators, and assigns, for any term or number of years, to and for the payment of such sum and sums of money so advanced, paid, and discharged by him or them, with interest for the same, to commence on the termination of his, her, or their right in the premises; so that every such grant, mortgage, surrender, lease, or demise be made with a proviso or condition to cease and be void, or with an express trust to be surrendered or re-assigned, when such sum or sums of money thereby to be secured shall be fully paid and satisfied; and also with a covenant to pay and keep down the interest, so that no person or persons afterwards becoming possessed or entitled to any such lands, tenements, or hereditaments shall be liable to pay any further or larger arrear of interest than for six calendar months preceding the time when the title to such possession shall have commenced; and that every such charge, grant, mortgage, surrender, lease, or demise shall be good, valid, and effectual in the law for the purposes thereby intended.

Commissioners may deduct from allotments for charity or school lands what shall be equal to the share of such charity or school in the expences of passing and executing any Act, and may allot the same to such persons as will undertake to pay such share.

XXXI. AND whereas in such cases as aforesaid, where provision may be made in any such Act for charging the expences of passing such Act, or of executing the powers therein contained, or of fencing the respective allotments, on the several proprietors thereof, it may be more convenient for the feoffees or trustees of any charity lands or school lands to have lands deducted from the respective allotments to be made for such charity lands or school lands for paying the proportionable share in respect of such allotments of such expences respectively than to raise money on mortgage for those purposes: Be it therefore further enacted, that it shall be lawful for any such commissioner or commissioners, if he or they shall judge it right or expedient, to deduct from the respective allotments to be made to such feoffees or trustees as aforesaid, so much land as shall in the judgment of such commissioner or commissioners be equal in value to their respective proportions of the said expences, and to allot, assign, and award the same to such person or persons as such commissioner or commissioners shall think proper, and who will undertake to pay and defray, and shall pay and defray, all such expences.

If it shall be provided by any Act that the expences of obtaining and carrying it into execution shall be paid by sale of part

XXXII. AND be it further enacted, that in case it shall be provided by any such Act, that the expences attending the same shall be paid by sale of any part of the land so to be inclosed, the said commissioner or commissioners shall mark and set out such part or parts of the said waste or commonable lands as in his or their opinion will by sale thereof raise a sum of money sufficient to pay and discharge all such charges and expences as may by any such Act be

directed to be paid and discharged out of the same; and the said commissioner or commissioners shall sell such part or parts of the said lands to any person or persons for the best price or prices that can be gotten for the same, by private contract, or by publick auction or auctions to be holden for that purpose, of which six weeks previous notice shall be given in such manner as shall by any such Act be directed with respect to the other notices thereby required; and the person or persons so purchasing the same shall immediately pay (by way of deposit) into the hands of the said commissioner or commissioners, or such person or persons as he or they shall direct and appoint, one tenth part of his, her, or their purchase money, and pay the remainder thereof within three calendar months next after, or at such other time as the said commissioner or commissioners shall appoint, and in default thereof the money so deposited shall be forfeited, and shall be applied in carrying such Act into execution; and the said allotment or allotments for which the whole of such purchase money shall not have been so paid, or for which there shall be no bidding at such auction, shall be again put up to sale and sold in manner aforesaid for the best price or prices that can be gotten for the same, or be sold by the said commissioner or commissioners by private contract for any sum or sums not less than the remaining nine tenths of the price or respective prices for which the same was or were respectively before sold, or the amount of one bidding above the sum or respective sums at which the same was or were respectively put up in the said former auction; and every allotment for which the full purchase money shall be paid, shall immediately thereupon be absolutely discharged of and from all common and other right thereon or therein, and be vested in fee simple in, and be inclosed, and thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her, or their private and absolute property, and shall be allotted accordingly by the said commissioner or commissioners; and the said purchase money shall be applied in defraying such charges and expences as may be in any such Act directed to be paid and discharged by the sale of such land.

of the lands, the commissioners shall set out and sell such part as they think will raise a sufficient sum, and the purchasers shall immediately deposit a part of the purchase money, which shall be forfeited if the remainder be not duly paid.

XXXIII. AND for the better enabling such commissioner or commissioners to determine the several matters and things by this or any such Act referred to his or their determination, be it enacted, that it shall be lawful to and for the said commissioner or commissioners from time to time, as he or they shall see occasion, by any writing or writings under his or their hand or hands, to summon and require any person or persons to appear before them at any time and place in such writing to be appointed, to testify the truth touching the matter in dispute between any proprietors or interested persons, or otherwise relating to the execution of the powers given by this or any such Act, and to cause a copy of such writing to be served on such person or persons required to give evidence, or to be left at his, her, or their usual or last place of abode; and every person or persons so summoned, who shall not appear before the said commissioner or commissioners pursuant to such summons (without assigning some reasonable excuse for not appearing), or appearing shall refuse to be sworn or examined on oath or affirmation, which oath or affirmation the said commissioner or commissioners is and are hereby empowered and required to administer (such person or persons having been paid or tendered to him, her, or them, the reasonable charges of his, her, or their attendance), and being

Commissioners may summon witnesses, who shall be subject to penalty for neglect to attend, &c.

thereof convicted before one of his Majesty's justices of the peace of the county or district in which such lands are situated, upon information thereof upon oath made before any such justice, shall, for every such neglect or refusal, forfeit and pay such sum of money, not exceeding ten pounds, nor less than five pounds, as such justice or justices shall think fit and order.

No witness shall be obliged to travel beyond a certain distance.

XXXIV. PROVIDED always, and be it further enacted, that no witness summoned to attend such commissioner or commissioners, shall be obliged to travel above eight miles from the boundary of the parish, manor, or district, by any such Act intended to be inclosed.

Commissioners shall draw up an award, containing sundry particulars, which shall be read and executed at a meeting of the proprietors, and proclaimed the next Sunday in the parish church, and then considered as complete.

XXXV. AND be it further enacted, that as soon as conveniently may be after the division and allotment of the said lands and grounds shall be finished pursuant to the purport and directions of this or any such Act, the said commissioner or commissioners shall form and draw up, or cause to be formed and drawn up, an award in writing, which shall express the quantity of acres, roods, and perches, in statute measure, contained in the said lands and grounds, and the quantity of each and every part and parcel thereof which shall be so allotted, assigned, or exchanged, and the situations and descriptions of the same respectively, and shall also contain a description of the roads, ways, footpaths, watercourses, watering places, quarries, bridges, fences, and land marks, set out and appointed by the said commissioner or commissioners respectively as aforesaid, and all such other rules, orders, agreements, regulations, directions, and determinations, as the said commissioner or commissioners shall think necessary, proper, or beneficial to the parties; which said award shall be fairly ingrossed or written on parchment, and shall be read and executed by the commissioner or commissioners, in the presence of the proprietors who may attend at a special general meeting called for that purpose, of which ten days notice at least shall be given in some paper to be named in such Act and circulating in the county; which execution of such award shall be proclaimed the next Sunday in the church of the parish in which such lands shall be, from the time of which proclamation only, and not before, such award shall be considered as complete; and shall, within twelve calendar months after the same shall be so signed and sealed, or so soon as conveniently may be, be inrolled in one of his Majesty's courts of record at Westminster, or with the clerk of the peace for the county in which such lands shall be situated, to the end that recourse may be had thereto by any person or persons interested therein, for the inspection and perusal whereof no more than one shilling shall be paid; and a copy of the said award, or any part thereof, signed by the proper officer of the court wherein the same shall be inrolled, or by the clerk of the peace for such county, or his deputy, purporting the same to be a true copy, shall from time to time be made and delivered by such officer or clerk of the peace for the time being as aforesaid to any person requesting the same, for which no more shall be paid than twopence for every sheet of seventy-two words; and the said award, and each copy of the same or of any part thereof, signed as aforesaid, shall at all times be admitted and allowed in all courts whatever as legal evidence; and the said award or instrument, and the several allotments, partitions, regulations, agreements, exchanges, orders, directions, determinations, and all other matters and things therein mentioned and contained shall, to all intents and purposes,

Award shall be enrolled in a court of record at Westminster, or with the clerk of the peace of the county, and may be inspected and copies obtained for a certain sum.

Award and copies to be legal evidence, and award to be binding on all parties interested.

be binding and conclusive, except where some provision to the contrary is herein or shall be by any such Act contained, unto and upon the said proprietors, and all parties and persons concerned or interested in the same, or in any of the lands, grounds, or premises aforesaid; and also that the said respective commissioners, if they think it necessary, shall form or draw, or caused to be formed and drawn, on parchment or vellum, such maps or plans of the said lands and grounds, the better to describe the several new allotments or divisions to be made and premises that shall be exchanged by virtue of this Act, and which shall express the quantity of each allotment in acres, roods, and perches, together with the names of the respective proprietors at the time of such division and allotment; which said maps and plans shall be annexed to and inrolled with the said respective award, and shall be deemed and construed in every respect as and for part of the said award.

Commissioners may form maps of the lands, which shall be annexed to the award and deemed part thereof.

XXXVI. AND be it further enacted, that such commissioner or commissioners shall and he or they is and are hereby required to enter in a book to be provided for that purpose, a particular account of all sums of money whatever received from the proprietors or others during the progress of the inclosure; and also of all the charges, expences, and disbursements which shall accrue or be made by virtue of any such Act, and in carrying the same into execution; which book of accounts shall be kept at the office of their clerk, open at all seasonable times during the progress of the inclosure, and till all the accounts are finally settled, for the inspection of any of the proprietors, without fee or reward; and in case any such commissioner or commissioners, or his or their clerk, shall neglect to provide and keep such book of accounts as aforesaid, or refuse the inspection thereof to any of the proprietors at seasonable times in manner before mentioned, and shall be convicted thereof upon the oath of one or more credible witness or witnesses not interested in the intended division and inclosure, before any justice of the peace of the county in which the lands or grounds to be inclosed shall be situate, or of such other county or place where such commissioner or clerk so offending shall be or reside, every such commissioner or clerk so causing such neglect or refusal, and convicted as aforesaid, shall forfeit and pay for every such offence any sum not exceeding ten pounds nor less than five pounds, to be levied, recovered, and applied in the same manner as other penalties are by this Act directed to be levied, recovered, and applied.

Commissioners shall keep an account of all monies received and disbursed, which may be inspected at their clerk's office gratis.

Penalty for not keeping such account, or for refusing the inspection thereof.

XXXVII. AND be it further enacted, that all monies to be raised under and by virtue of the powers contained in any such Act shall, from time to time, as often as the same shall amount to the sum of fifty pounds, be paid to and deposited in the hands of some banker, or such person or persons as shall be approved by a majority in value of the proprietors who may be present at the first meeting of such commissioner or commissioners; and in the notice of which meeting shall be expressed the intention of then appointing such banker, or such other person or persons; and no such monies deposited or paid into the hands of such banker, or other person or persons to be appointed as aforesaid, shall be issued or paid by him or them without an order in writing under the hands of such commissioner or commissioners, specifying the person or persons to whom the same are respectively payable, and the service or consideration for which the same are due; and the balance, if any, upon the final

Monies raised under any Act shall be deposited with such banker, &c. as may be approved by a majority in value of the proprietors, and shall not be issued without an order from the commissioners.

settlement of accounts, shall be immediately repaid to the land owners in proportion to the sums respectively paid by them.

The rector or vicar with the consent of the bishop of the diocese, and of the patron of the living, may lease allotments for 21 years, upon certain conditions.

XXXVIII. AND be it further enacted, that it shall be lawful for the rector or vicar for the time being of any parish wherein the lands and grounds intended to be inclosed shall be situate, by indenture or indentures under his hand and seal, with the consent and approbation of the bishop of the diocese and of the patron of the said rectory or vicarage, to lease or demise all or any part or parts of the allotment or allotments to be set out and allotted to any such rector or vicar by virtue of any such Act, to any person or persons whomsoever, for any term not exceeding twenty-one years, to commence within twelve calendar months next after the executing the award; so that the rent or rents for the same shall be thereby reserved to the rector or vicar for the time being, by four equal quarterly payments in every year; and so that there be thereby also reserved and made payable to such rector or vicar the best and most improved rent or rents that can reasonably be had or gotten for the same, without taking any fine, foregift, premium, sum of money, or other consideration, for the making or granting any such lease or demise; and so that no such lessee by any such lease or demise be made dispunishable for waste by any express words to be therein contained; and so that there be inserted in every such lease power of re-entry on nonpayment of the rent or rents to be thereby reserved, within a reasonable time to be therein limited, after the same shall become due; and so that a counterpart of such lease be duly executed by the lessee or lessees to whom such lease shall be so made as aforesaid; and every such lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

Recovery and application of penalties.

XXXIX. AND be it further enacted, that all penalties and forfeitures imposed by this or any such Act, or which shall be imposed by such commissioner or commissioners under or by virtue of the authority of this or any such Act, shall be levied and recovered before any one justice of the peace for the county in which the lands or grounds to be inclosed shall be situate, and residing near any such parish, and not interested in the matter in question; for which purpose it shall be lawful for any such justice of the peace, upon complaint made to him, to summon the party accused and the witnesses on both sides; and upon the appearance or contempt of the party accused, to examine such witnesses upon oath (which oath any such justice is hereby empowered to administer), and upon such evidence to give judgement accordingly, and to condemn the party accused (proof of the accusation being made by one or more witness or witnesses as aforesaid) in such penalties and forfeitures as the offenders shall have incurred, and to levy such penalties and forfeitures by distress and sale of the offender's goods and chattels, together with reasonable costs; all which penalties and forfeitures, the application whereof is not particularly directed by any such Act or this Act, shall, when and so soon as the same shall be levied, be paid and applied to and for such uses, intents, or purposes as such commissioner or commissioners, in and by any writing or writings under his or their hands, or in and by his or their award, shall order, direct, or appoint.

Saving of the rights of lords of manors.

XL. AND be it further enacted and declared, that nothing in such Act contained shall lessen, prejudice, or defeat the right, title, or interest of any

lord or lady of any manor or lordship, or reputed manor or lordship, within the jurisdiction or limits whereof the lands and grounds thereby directed to be divided and allotted are situate, lying, and being, of, in, or to the seigniories, rights, and royalties incident or belonging to such manor or lordship, or reputed manor or lordship, or to the lord or lady thereof, or to any person or persons claiming under him or her, but the same (other than and except the interest and other property as is or are meant or intended to be barred by such Act) shall remain, in as full, ample, and beneficial manner, to all intents and purposes, as he or she might or ought to have held or enjoyed such rights before the passing of such Act, or in case the same had never been made.

General saving.

XLI. SAVING always to the King's most excellent Majesty, his heirs and successors, and to all and every other person and persons, bodies politick and corporate, and his, her, and their heirs, successors, executors, and administrators, all such estate, right, title, and interest (other than and except such as are hereby intended to be barred, destroyed, or extinguished) as they, every, or any of them had or enjoyed of, in, to, or out of, or in respect of the said lands, grounds, and premises so directed to be divided, allotted, and inclosed, or exchanged as aforesaid, before the passing of such Act, or could or might have had or enjoyed in case the same had never been made.

Two justices may take affidavits of the notices required having been given, &c. in the forms in the schedule, without stamps.

XLII. AND be it further enacted, that it shall and may be lawful for any two or more justices of the peace to take affidavits on oath or affirmation (which oath or affirmation such justices are hereby authorized and empowered to administer) of the notices required for such Bills having been given, of the consents of the parties interested therein, of the allegations contained in the preambles of such Bills, and of the quantity of the land to be inclosed; and that such affidavits shall respectively be in the forms contained in the schedule hereunto annexed, as near as the circumstances of the case will admit; and that such affidavits shall not be subject or liable to any stamp duties whatsoever.

Persons forswearing themselves to be deemed guilty of perjury.

XLIII. AND be it further enacted, that if any person or persons shall, in any examination, affidavit, deposition, or affirmation, to be had or taken in pursuance of this Act, before such justice or justices, or such commissioner or commissioners, knowingly and wilfully swear or affirm any matter or thing which shall be false or untrue, every such person so offending shall, on conviction thereof, be deemed guilty of perjury, and shall suffer the like pains and penalties as persons guilty of wilful and corrupt perjury are now subject and liable to.

Powers of this Act to be binding only as far as not otherwise provided in any special Act.

XLIV. PROVIDED always, and be it enacted, that all and every the powers, authorities, directions, and provisions in this Act contained, shall be only so far effective and binding in each particular case, as they or any of them shall not be otherwise provided and enacted in any such Act hereafter to be passed as aforesaid.

SCHEDULE to which the Act refers.

(A.)

FORM of AFFIDAVIT of NOTICES.

A.B. of maketh oath and saith [or, being one of the people called Quakers, upon his solemn affirmation, saith] that he did see a copy of the notice hereunto annexed affixed on the church door of the parish of in the county of [or, on the several church doors of the respective parishes of in the county of or, in the several counties of and] on the several Sundays herein-after mentioned; videlicet [specifying the days on which the notices were affixed.]

Signed A.B.

Sworn [or, solemnly affirmed] before us, two of his Majesty's justices of the peace acting in and for the and subscribed in our presence, by the above-named A.B. this day of in the year As witness our hands and seals.

(B.)

FORM of AFFIDAVIT of CONSENT.

A.B. of maketh oath, and saith [or being one of the people called Quakers, upon his or her solemn affirmation, saith] that he [or she] believes himself [or herself] to be interested in the proposed inclosure of the in the [here describe the place, whether parish, hamlet, or place] in the county of by virtue of [here set forth the interest of the deponent]; [or] that he [or she] believes that C.D. of for whom he [or she] is guardian [et cetera, as the case may be] is interested, et cetera; and that he [or she] hath seen a copy of an Act [here set forth the title of this Act], and also a copy of the Bill intended to be presented to Parliament, and hath subscribed his [or her] name, or hath set his [or her] mark to the same respectively, and doth consent to the said Bill being passsd into a law.

Signed or marked A.B.

Sworn [or, solemnly affirmed] before us, two of his Majesty's justices of the peace, acting in and for the and subscribed in our presence, by the above-mentioned A.B. this day of in the year As witness our hands and seals.

The same form may be applied, mutatis mutandis, to the case of several persons whose interests are joint, or whose interests, though distinct, are of a similar nature.

(C.)

FORM of AFFIDAVIT of ALLEGATIONS of the BILL.

A.B. of maketh oath and saith [or being one of the people called Quakers, upon his or her solemn affirmation, saith] that [here set forth such of the several facts alledged in the preamble of the Bill, as are within the knowledge of the witness] or, that he [or she] is informed and verily believes that [here set forth such of the said facts as are within the belief of the witness.]

Signed A.B.

Sworn [or, solemnly affirmed] before us, two of his Majesty's justices of the peace, acting in and for the and subscribed in our presence, by the above-named A.B. this day of in the year As witness our hands and seals.

(D.)

FORM or AFFIDAVIT of ADMEASUREMENT.

A.B. of maketh oath and saith [or being one of the people called Quakers, upon his solemn affirmation, saith] that he has surveyed and admeasured the several lands in the parish or hamlet of in the county of [or, counties of] described in the Bill intended to be presented to Parliament, and signed by the deponent, by the name [or names] of and that the quantity of such lands amounts to and no more according to such admeasurement, and the best of this deponent's judgement.

A.B.

Sworn [or, solemnly affirmed] before us, two of his Majesty's justices of the peace acting in and for the and subscribed in our presence by the above-named A.B. this day of in the year As witness our hands and seals.

42 GEORGE III. A.D. 1801-2.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JANUARY, A.D. 1801,
IN THE FORTY-FIRST YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-NINTH DAY OF OCTOBER, A.D. 1801,
BEING THE SECOND SESSION OF THE FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XLVI.

AN ACT to require Overseers and Guardians of the Poor, to keep a Register of the several Children who shall be bound or assigned by them as Apprentices; and to extend the Provisions of an Act passed in the Twentieth Year of the Reign of his present Majesty, to the binding of Apprentices by Houses of Industry, or Establishments for the Poor, which have been authorized so to do by subsequent Acts. [7th May 1802.]

Recital of 43 Eliz. c. 2.

WHEREAS by an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled "An Act for the relief of the poor," the overseers of the poor of every parish are enabled to bind out any poor children as apprentices, until every such poor male child shall attain the age of twenty-four years, and until every such female child shall attain the age of twenty-one years, or the time of her marriage: And whereas it would tend to the benefit of the children so bound as apprentices, if the overseers of the poor were required to keep a register of all children who shall be so bound: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the overseers of the poor of every parish, township, or place, appointed by virtue of the said recited Act, passed in the forty-third year of the reign of Queen Elizabeth, shall, from and after the first day of June, and they are hereby required to provide and keep a book or books, at the expence of the said parish, township, or place, and to enter or cause to be entered therein the name of every child who shall be bound out by them respectively as an apprentice, together with the several other particulars, in manner and form required by this Act, according to the schedule hereunto annexed; and every such entry, when made in the said register, shall be produced and laid before the two justices of the peace who shall signify their assent to the indenture of apprenticeship of every such child, at the time when such indenture shall be laid before such justices for their assent, as required by the said recited Act; and each entry in the said register shall, if approved of by such justices, be signed by them according to the form marked in the schedule hereunto annexed.

The overseers of the poor shall, after June 1, 1802, keep a book for entering the name of every apprentice bound out by them, and each entry shall be signed by two justices, according to the form in the schedule.

Penalty for not providing such book, or neglecting to make such entries therein, &c.

II. AND be it further enacted, that if any overseer or overseers of the poor shall refuse or neglect to provide and keep such book or books or to make such entry therein as before directed, or shall destroy, or permit, suffer, or cause to be destroyed, any such book or books, or shall wilfully and knowingly obliterate, deface, or alter any such entry, so that the same shall not be a true entry of the several particulars hereby required, or shall wilfully and knowingly make a false entry therein, or shall so permit, suffer, or cause the same to be done, or shall not produce or lay such book or books before such justices as aforesaid for their signatures, or shall not deliver or tender, or cause to be delivered or tendered, such book or books to his, her, or their successor or successors in office, within fourteen days after the appointment of such successor or successors, or if any such successor or successors shall refuse or neglect to receive the same when offered or tendered to him or them by his or their predecessor or predecessors in office, then and in every such case every such person so offending shall, for every such offence, on being convicted thereof before any two justices of the peace for the county, city, or place where the offence shall be committed, on the oath of any credible witness (which oath such justices are hereby empowered and required to administer), or on the voluntary confession of the party or parties, forfeit and pay a sum not exceeding five pounds, to be recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hands and seals of the justices before whom the offender or offenders shall be convicted, and the overplus (if any) of the money arising by such distress and sale shall be returned upon demand to the owner or owners of such goods and chattels, after deducting the costs and charges of making, keeping, and selling such distress; and such penalties and forfeitures shall be applied for the use of the poor of the parish, township, or place, for which such offender or offenders shall be overseer or overseers; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justices, by warrant under their hands and seals, and they are hereby required to commit every such offender to the common gaol or house of correction of the county, city, or place where the offence shall be committed, there to remain without bail or mainprize, for any time not exceeding one calendar month, unless such penalties and forfeitures shall be sooner paid and satisfied.

Books may be inspected, and shall be deemed evidence in case of loss, &c. of indentures.

III. AND be it further enacted, that it shall and may be lawful for any person or persons, at all seasonable hours, to inspect such book or books in the hands of the said overseer or overseers, and to take a copy of such entry in such book or books, upon payment of the sum of sixpence, except in case of any of his Majesty's justices of the peace acting in and for the said county, who shall be entitled at all such times to inspect such book gratis; and every such book shall be and be deemed to be sufficient evidence in all courts of law whatsoever, in proof of the existence of such indentures, and also of the several particulars specified in the said register respecting such indentures, in case it shall be proved to the satisfaction of such court that the said indentures are lost or have been destroyed.

IV. AND be it further enacted, that the justices of the peace before whom any person shall be convicted by virtue of this Act, shall and may cause the conviction to be drawn up in the following form; (videlicet,)

Form of conviction.

'BE it remembered, that on the day of in the year of our Lord A.B. is convicted before us, two of his Majesty's justices of the peace for the [specifying the offence, and the time and place when and where committed, as the case may be] contrary to an Act made in the forty-second year of the reign of King George the Third, intituled [here set forth the title of this Act]. Given under our hands and seals the day and year above mentioned.'

When assignments of apprentices take place under 32 Geo. 3. c. 57, an entry thereof shall be made in such books in manner herein directed.

V. AND be it further enacted, that whenever any such apprentice shall be assigned or bound over to any other master or mistress by virtue of an Act passed in the thirty-second year of the reign of his present Majesty, intituled "An Act for the further regulation of parish apprentices," then and in every such case, the overseer or overseers, party or parties to the assignment of such apprentice, shall insert the name and residence of the master or mistress to whom such apprentice shall be assigned or bound over as aforesaid, together with the other particulars, in the book or books herein directed to be provided and kept by such overseer or overseers; and for non-performance thereof, every such overseer or overseers shall be liable to the pains, penalties, and forfeitures incurred by this Act, in like manner as if such apprentice had been originally bound to such master or mistress.

Persons having like powers as overseers of the poor to bind out apprentices shall comply with the directions of this Act.

VI. AND whereas by different Acts of Parliament the like powers are given to certain persons therein named, for binding out parish apprentices, as are given to the overseers of the poor: Be it therefore enacted, that such several persons shall be subject to the like pains, penalties, and forfeitures, for non-compliance with the several provisions and directions in this Act contained for registering any parish apprentice bound out or assigned by them respectively, to which overseers of the poor are subject and liable by virtue of this Act for non-compliance with such provisions and directions.

Appeal may be made to quarter sessions.

VII. AND be it further enacted, that if any person or persons shall think himself, herself, or themselves aggrieved by anything done in pursuance of this Act, it shall and may be lawful to and for such person or persons to appeal to the justices at the first general quarter sessions of the peace to be holden for the county or place where the cause of appeal shall arise, within four calendar months next after the cause of appeal shall have arisen, on giving to the person or persons appealed against ten days notice of such appeal, and of the matter thereof; and the justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to grant such costs and expences to either party as to them shall seem reasonable.

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FORM of the REGISTER.

Number.	Date of Indenture.	Name of the Apprentice.	Sex.	Age.	His or her Parents Names.	Their Residence.	Name of Persons to whom bound or assigned, as the Case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignment Fee.	Overseers Parties to the Indenture or Assignment.	Magistrates assenting.
													(To be signed by themselves.)

CHAPTER LVI.

AN ACT to repeal an Act passed in the Twenty-fifth Year of the Reign of his present Majesty, for granting Stamp Duties on certain Medicines, and for charging other Duties in lieu thereof; and for making effectual Provision for the better Collection of the said Duties. [3d June 1802.]

* * * * * * * * *

Stamp duties on medicines.

II. AND be it further enacted, that from and after the said first day of September one thousand eight hundred and two there shall be raised, levied, and paid throughout Great Britain, unto and to the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,) for and upon every packet, box, bottle, pot, phial, or other inclosure, containing any drugs, herbs, pills, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied or to be used or applied externally or internally as medicines or medicaments, for the prevention, cure, or relief of any disorder or complaint incident to or in anywise affecting the human body, which shall be uttered or vended in Great Britain, there shall be charged a stamp duty according to the rates following; [Rep., Stat. Law Rev. Act, 1872.]

. . . . . .

Duties to be paid by the owners, &c. of such drugs before sale, &c.

III. AND be it further enacted, that the rates and duties by this Act granted shall be payable and paid by the owners and proprietors, or makers and compounders, or original and first vendors of such drugs, herbs, oils, waters, essences, tinctures, powders, or other preparations or compositions aforesaid, and shall be charged upon and payable and paid in respect of the same, and of every packet, box, bottle, pot, phial, or other inclosure aforesaid, with any such contents as aforesaid, before the same shall be first sold by or delivered out of the custody or possession of the owners, proprietors, makers, compounders, or original and first vendors thereof, for sale, either wholesale or retail, either for foreign or home consumption or otherwise, and before the same shall in any way be uttered or vended, either for foreign or home consumption, or exposed to sale, or offered or kept ready for sale, and not in bulk, in any shop, house, or other place, by any such owner, proprietor, maker, compounder, or original and first vendor aforesaid, or any person or persons on his or her behalf.

* * * * * * * * *

Persons making or selling medicines liable to duties to take out an annual licence.

Rates of duties on licences.

VI. AND be it further enacted, that every owner, proprietor, maker, and compounder of, and every person in Great Britain uttering, vending, or exposing to sale, or keeping ready for sale, any such drugs, herbs, pills, waters, essences, tinctures, powders, or other preparations or compositions whatsoever, used or applied, or to be used or applied externally or internally as medicines or medicaments, for the prevention, cure, or relief of any disorder or complaint incident to or in anywise affecting the human body, or any packets, boxes, bottles, pots, phials, or other inclosures aforesaid, with any such contents as aforesaid, subject to the duties herein-before granted, shall annually take out a licence; and that for and upon every licence so taken out by any such person who shall reside within the cities of London or Westminster, the borough of Southwark, or within the limits of the two-penny post, or within the city of Edinburgh, there shall be charged a stamp duty of forty shillings; and for and upon every licence so taken out by any other such person who shall reside in any city, borough, or town corporate, or in the towns of Manchester, Birmingham, or Sheffield, there shall be charged a stamp duty of ten shillings; and for and upon every licence so taken out by any other such person residing in any other part of Great Britain there shall be charged a stamp duty of five shillings. [Rep., Stat. Law Rev. Act, 1872.]

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VIII. AND be it further enacted, that from and after the first day of September one thousand eight hundred and two, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper,

or some person duly authorized by them, shall grant licences to all such persons as are required to take out any licences under this Act; and [Rep., Stat. Law Rev. Act, 1872.] the said licences shall continue in force until the first day of September in each year, to commence from the day of the date of every such licence; and every owner, proprietor, maker, compounder, or person who shall utter, vend, or expose to sale, or keep ready for sale, any such drugs, herbs, medicines, medicaments, or other preparations or compositions aforesaid, packets, boxes, bottles, pots, phials, or other inclosures aforesaid, with any such contents as aforesaid, shall in like manner renew such licence from year to year, paying down the respective sums due for the stamps on such licences as aforesaid.

Licences shall continue in force till Sept. 1, yearly.

Persons making or selling medicines liable to duties without a licence, shall forfeit 20*l.*

IX. AND be it further enacted, that from and after the said first day of September one thousand eight hundred and two, no person whatsoever shall in any manner take or receive any profit, advantage, or emolument as the owner or proprietor of, or make or compound, or utter, vend, or expose to sale, or keep ready for sale, any drugs, herbs, medicines, medicaments, or other preparations or compositions aforesaid, or any packets, boxes, bottles, pots, phials, or other inclosures aforesaid, with any such contents as aforesaid, which shall be subject to the duties granted by this Act, unless he or she shall have first obtained a licence in such manner as is herein-before directed, upon pain to forfeit for every such offence the sum of twenty pounds, to be recovered and applied as herein-before is directed.

Persons making or selling such medicines shall apply to the commissioners of stamps for covers or labels, and deliver in a note containing their name and place of abode.

X. AND in order to secure the duties hereby imposed, be it further enacted, that every person and persons making, compounding, preparing, uttering, vending, or exposing to sale, or keeping ready for sale, any such drugs, herbs, medicines, medicaments, or other preparations or compositions aforesaid, or any packets, boxes, bottles, pots, phials, or other inclosures aforesaid, with any such contents as aforesaid, which are subject to the duties hereby granted, shall from time to time apply to the said commissioners of stamps, or to the officers appointed for the purpose, for paper covers, wrappers, or labels to be pasted, stuck, fastened, or affixed to such packets, boxes, bottles, pots, phials, or other inclosures, with any such contents as aforesaid; and every such person, at the time of making such application, shall deliver or cause to be delivered to the officer of stamps to whom such application shall be made a note in writing containing his name and place of abode, and the place where the drug, herb, medicine, medicament, preparation, or composition in respect whereof such application shall be made is first sold, and every such note in writing shall be filed by the officer of stamps to whom the same shall be delivered.

Such covers or labels shall be impressed with marks denoting the respective duties, and shall be affixed to the medicines before exposed to sale, in such manner as the commissioners shall direct, and regulations for that purpose shall be delivered to the vendor on taking out his licence.

XI. AND be it further enacted, that the said commissioners, or the major part of them as aforesaid, shall and they are hereby directed and required to print or impress, or cause to be printed or impressed, on the said papers, covers, wrappers, or labels, some mark, device, or some particular word or words to denote the said duties and the rate thereof, and the said commissioners are hereby also required to deliver or cause to be delivered, from time to time, to every such licensed owner, proprietor, maker, compounder, or vendor, as occasion shall require, sufficient covers, wrappers, or labels for the purpose aforesaid, on payment of the respective sums due for the stamps thereon; and all and every the packets, boxes, bottles, pots, phials, and other inclosures aforesaid, with any such contents as aforesaid, when and as soon as the same shall be made ready for sale, and shall be kept ready for sale, and

before the same are uttered, vended, or exposed to sale by any person or persons whatsoever, to any person or persons whatsoever, either wholesale or retail, shall have well and sufficiently pasted, stuck, fastened, or affixed thereto such covers, wrappers, or labels, stamped, marked, impressed, or distinguished as aforesaid, in such manner as the said commissioners shall direct; and the said commissioners shall from time to time devise and direct the manner in which such covers, wrappers, or labels shall be pasted or affixed to the said wares or other article or articles aforesaid, or to the papers, thread, or other thing inclosing or which shall be directed by the said commissioners to inclose the same, and to make such rules and regulations in that behalf as they shall think fit and necessary to prevent any such covers, wrappers, or labels aforesaid from being made use of again after they shall have been sold and disposed of; which rules, regulations, and directions shall be delivered to all and every owner, proprietor, maker, compounder, and vendor aforesaid, at the time of his, her, or their taking out his or her first licence directed to be taken out by this Act, and so from time to time with every future licence which shall be granted, if any variation or alteration shall have been made in such rules, regulations, or directions.

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XIII. AND to prevent the cover, wrapper, or label, and the mark or stamp thereon, hereby directed to be pasted, stuck, fastened, or affixed to every packet, box, bottle, pot, phial, or other inclosure containing any drug, herb, medicine, medicament, or other preparation or composition aforesaid, from being made use of again after they have been sold and disposed of, to be affixed to other packets, boxes, bottles, pots, phials, or other inclosures containing any drugs, herbs, medicines, medicaments, or other preparations or compositions aforesaid, by which practices his Majesty's revenue might be lessened or diminished, be it therefore enacted, that if any person or persons shall, from and after the first day of September one thousand eight hundred and two, fraudulently cut, tear, or take off any mark or stamp in respect whereof or whereby any duties are hereby payable or denoted to be paid or payable to his Majesty on any packet, box, bottle, pot, or phial, or other inclosure containing any drug, herb, medicine, medicament, or other preparation or composition aforesaid, subject to the duties hereby imposed, after the same shall have been sold or disposed of as aforesaid, or shall fraudulently paste, stick, fasten, or affix to any such packet, box, bottle, pot, or phial any cover, wrapper, or label so marked and stamped as aforesaid, the same having once been made use of for the purpose aforesaid, or shall utter, vend, or expose to sale any packet, box, bottle, pot, phial, or other inclosure containing any drug, herb, medicine, medicament, or other preparation or composition aforesaid, with such cover, wrapper, or label so fraudulently cut, torn, or taken off as aforesaid, and pasted, stuck, fastened, or affixed thereto, all and every person and persons so offending in any of the particulars before mentioned shall for every such offence forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons fraudulently taking off labels after the medicines are sold, or using such labels a second time, &c., shall forfeit 20*l.*

XIV. AND to prevent persons from fraudulently selling or buying any covers, wrappers, or labels, which have been before made use of for denoting any of the duties by this Act imposed, of any packets, boxes, bottles, pots, phials, or other inclosures wherein any drugs, herbs, medicines, medicaments,

or other preparations or compositions aforesaid shall have been contained, and sold and disposed of with such covers, wrappers, or labels pasted, stuck, fastened, or affixed thereto, be it further enacted, that if any person or persons shall, from and after the first day of September one thousand eight hundred and two, sell or buy any such cover, wrapper, or label which hath before been made use of for the inclosing any packet, box, bottle, pot, or phial, or other inclosure of any drug, herb, medicine, medicament, or other preparation or composition liable to the duty hereby imposed, in order to be again made use of for the like purpose, or shall sell any packet, box, bottle, pot, phial, or other inclosure, with such cover, wrapper, or label which hath before been made use of as aforesaid pasted, stuck, fastened, or affixed thereto, every such person so offending shall for every such offence forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels for the purpose of being used a second time, or selling any packet with such a label, shall forfeit 20*l.*

XV. PROVIDED always, and be it further enacted, that if either the buyer or seller of any such drug, herb, medicine, medicament, or other preparation or composition, or of any such cover, wrapper, or label, or any such packet, box, bottle, pot, phial, or other inclosure, shall inform against the other party concerned in buying or selling such drug, herb, medicine, medicament, or other preparation or composition, or cover, wrapper, or label, or such packet, box, bottle, pot, phial, or other inclosure, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified from the penalties by him or her incurred, and shall receive the same benefit and advantage as any other informer shall be entitled to by virtue of this Act for such information.

Either buyer or seller may inform against the other, and be himself indemnified.

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XVII. AND whereas the pasting on and affixing the said covers, wrappers, or labels in the manner and under the several rules, regulations, and directions to be made by the said commissioners, will tend greatly to secure the said duties by this Act granted: Be it therefore enacted, that from and after the said first day of September one thousand eight hundred and two, every person and persons who shall make, prepare, or compound, or keep ready for sale, or utter, vend, or expose to sale, any such drugs, herbs, medicines, medicaments, preparations, or compositions aforesaid, or any packets, boxes, bottles, pots, phials, or other inclosure aforesaid, with any such contents as aforesaid, liable to any of the duties granted by this Act, shall, before they respectively obtain a licence in pursuance of this Act, give or send notice in writing of the usual shop, house, or place, shops, houses, or places, where they respectively shall make, prepare, compound, keep ready for sale, utter or vend or expose to sale the same, or intend so to do, which notice shall be given or sent to the commissioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place or places respectively where the same are made, prepared, compounded, kept ready for sale, uttered, vended, or exposed to sale, or intended so to be; and the like notice shall be given or sent by every such person or persons as often as they respectively shall change any such place; which notice shall contain the particular shop or house wherein the same are so made, prepared, compounded, kept ready for sale, vended or exposed to sale, or intended so to be; upon pain that every person making default in giving notice as aforesaid, or giving any

Notice shall be given to the commissioners for stamps of the place of making or selling medicines, and of any change of place, on penalty of 10*l.*

false notice, shall forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Covers or labels defaced in affixing them on the articles may be returned to the commissioners for stamps, who, on oath being made that the same have not been fraudulently used, &c. shall deliver others of the like value.

XVIII. PROVIDED always, and be it further enacted, that in case any covers, wrappers, or labels shall be damaged, defaced, or spoiled in affixing the same upon such wares or other articles as aforesaid, or otherwise, so as to be rendered unfit for use, it shall and may be lawful for any person or persons, licensed in pursuance of this Act, to bring such covers, wrappers, or labels so marked and stamped as aforesaid, together with the wares or other articles to which the same shall have been affixed, to the commissioners for managing the stamp duties, or to the head officer appointed by them; and on oath (or solemn affirmation in case such licensed person shall be one of the people called Quakers) thereof made by such licensed person to the satisfaction of the said commissioners or head officer so appointed (who are hereby authorized to administer such oath or solemn affirmation, and to examine into all circumstances relating to the damaging, defacing, or spoiling the same), that such covers, wrappers, or labels so defaced or spoiled, or rendered unfit for the purpose intended, have not been used for any other purpose, or in any other manner whatsoever, and that none of them have been fraudulently re-bought or returned, after the same have been sold or disposed of, and that no money or other consideration hath been paid or given for the same, save and except the money first paid for such covers, wrappers, or labels at the stamp office or other places appointed by the commissioners for the distribution thereof, then and in such case the said commissioners are hereby required and directed, after destroying such defaced covers, wrappers, or labels, to deliver to such licensed person other covers, wrappers, or labels of the same denomination or value instead of the covers, wrappers, or labels so damaged, defaced, or spoiled, or rendered unfit for use as aforesaid, without demanding or taking, directly or indirectly, for the same, any sum of money or other consideration whatsoever.

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Penalties where to be sued for.

XXIII. AND be it further enacted, that all pecuniary penalties imposed on any person or persons for offences committed against this Act shall and may be sued for and recovered in any of his Majesty's courts at Westminster for offences committed in that part of Great Britain called England, the dominion of Wales, or the town of Berwick-upon-Tweed, and in his Majesty's Court of Sessions, Court of Justiciary, or Court of Exchequer in Scotland for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information, wherein no essoign, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

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Justices may determine matters relative to any pecuniary penalties.

XXV. PROVIDED always, and it is hereby enacted, that it shall and may be lawful to and for any justice of the peace, residing near the place where the offence shall be committed, to hear and determine any offence against this Act which subjects the offender to any pecuniary penalty, at any time within six months after the offence committed or to be committed against this Act; and any justice of the peace, residing near the place where any offence shall be committed under this Act, is hereby authorized and required, upon any information exhibited or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary

confession of the party or by the oath of one or more credible witness or witnesses, to give judgment or sentence for the penalty or forfeiture, according as in and by this Act is directed, and to award and issue out his warrant under his hand and seal for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within six days, rendering to the party the overplus, if any, and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself or themselves aggrieved by the judgment of any such justice, then he or they shall and may, upon giving security to the amount or value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgment shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgment shall be affirmed it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Appeal may be made to quarter sessions.

Witnesses neglecting to attend shall forfeit 40*s*.

XXVI. AND be it enacted, that if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace touching any of the matters relative to this Act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of forty shillings, to be levied and paid in such manner and by such means as herein-before directed as to other penalties.

Form of conviction.

XXVII. AND be it further enacted, that the justice or justices of the peace before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, mutatis mutandis; that is to say,

'BE it remembered, that on the day of in the year of our Lord in the county of A.B. of was convicted before me C.D., one of his Majesty's justices of the peace for the said county residing near the place where the offence was committed, for that the said A.B. on the day of now last past, did contrary to the form of the statute in that case made and provided [here state the offence against the Act]; and I do declare and adjudge that the said A.B. hath forfeited the sum of of lawful money of Great Britain for the offence aforesaid, to be distributed as the law directs. Given under my hand and seal the day of .'

Convictions not to be removed by certiorari.

XXVIII. PROVIDED always, and be it further enacted, that . . . . . no such conviction shall be removed by certiorari into any other court whatsoever.

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XXX. AND be it further enacted, that if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this Act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue may be pleaded.

Treble costs.

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CHAPTER LXVII.

AN ACT to extend the Provisions of an Act made in the Thirteenth Year of the Reign of his present Majesty intituled "An Act for repealing so much of "an Act, made in the Twenty-third Year of his late Majesty King George "the Second, as relates to the preventing the stealing or destroying of "Turnips, and for the more effectually preventing the stealing or de-"stroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots," to certain other Field Crops, and to Orchards; and for amending the said Act. [a] [22d June 1802.]

WHEREAS an Act was passed in the thirteenth year of the reign of his present Majesty, for the more effectually preventing the stealing or destroying of turnips, potatoes, cabbages, parsnips, pease, and carrots, growing or being in any garden, lands, or grounds opened or enclosed, whereby certain penalties are inflicted upon persons offending against the said Act: And whereas it is expedient that the provisions of the said Act should be extended and amended: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, if any person shall steal, take away, wilfully or maliciously pull up, injure, or destroy any turnips, potatoes, cabbages, parsnips, beans, pease, or carrots, growing or being in any garden, orchard, lands, or grounds, open or inclosed, and shall be thereof convicted before any justice or justices of the peace for the county or place where the offence shall be committed, in the manner directed by the said recited Act, every such person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such conviction, such sum or sums of money, not exceeding the sum of twenty shillings over and above the value of the goods stolen, taken away, wilfully or maliciously pulled up, injured, or destroyed, as to such justice or justices shall seem meet; which penalties and forfeitures shall be recovered and applied in the same manner and upon the same evidence as the penalties and forfeitures imposed by the said recited Act are thereby directed to be recovered and applied; and in default of payment of the said penalty, such justice or justices shall commit the offender to the house of correction, there to be kept to hard labour for any time not exceeding two months, unless such penalty shall be sooner paid or satisfied.

Recital of 13 Geo. 3. c. 32.

If any person shall steal, &c. or destroy any turnips, &c. growing in any grounds open or inclosed, and be convicted before a justice in manner directed by recited Act, he shall forfeit not exceeding 20*s.* besides the value of the goods, &c.

[a] Rep., as to England, 7 & 8 Geo. 4. c 27. s. 1.]

CHAPTER LXVIII.

AN ACT to enable his Majesty to accept and continue the Services of certain Troops or Companies of Yeomanry in Ireland. [22d June 1802.]

WHEREAS it is expedient that his Majesty should be enabled to accept and continue the services of such troops or companies of his Majesty's loyal subjects in Ireland, as have voluntarily associated and enrolled themselves under and by virtue of an Act passed in the Parliament of Ireland in the thirty-seventh year of his Majesty's reign, intituled "An Act for encouraging "and disciplining such corps of men as shall voluntarily enrol themselves "under officers to be commissioned by his Majesty, for the defence of this "Kingdom during the present war," or as shall hereafter voluntarily associate and enrol themselves, or be continued or formed in manner herein-after mentioned; and that his Majesty or the chief governor or governors of Ireland for the time being should also be empowered, according to his or their discretion, fully to discharge and dismiss the said troops or companies, or any of them, and to call in and receive the arms, accoutrements, and clothing of such troops or companies as shall be so discharged or dismissed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any of his Majesty's loyal subjects in Ireland, shall have voluntarily associated and enrolled themselves, or shall hereafter be associated and enrolled, or formed or continued in troops or companies under officers having commissions from his Majesty, or from the chief governor or governors of Ireland for the time being, duly authorized thereto by his Majesty, for the protection of property and preservation of the peace, within the barony, city, or town wherein the place of first assembling shall be appointed in such commission, and within every barony, city, or town immediately adjoining thereto, every serjeant, trumpeter, drummer, and private therein, shall be entitled to receive such clothing, arms, and accoutrements, or allowances in lieu thereof, and also such pay, in such manner and at such rate as his Majesty or such chief governor or governors of Ireland shall appoint, for every day, not exceeding two days in each month, that he shall actually assemble and attend by order of his commanding officer, acting under the direction of such chief governor or governers, for the purpose of being disciplined and exercised.

Irish Act, 37 Geo. 3. c. 2.

Troops or companies of volunteers under officers having commissions from his Majesty, or from the chief governor of Ireland, shall receive clothing, arms, &c. and such pay as shall be appointed while called out on exercise, not exceeding two days in each month.

II. AND be it further enacted, that one serjeant and one trumpeter or drummer in every such troop or company shall be entitled to receive permanent or daily pay, to be appointed in like manner during the continuance of such troop or company.

One serjeant and one trumpeter or drummer in every troop, &c. shall be entitled to daily pay.

III. AND be it further enacted, that neither such inrolment, nor the receiving of pay or allowances as aforesaid, shall subject any person so enrolled or receiving pay to military discipline or duty, or to the provisions of any Act for punishing mutiny and desertion.

Volunteers not to be subject to military discipline.

IV. AND be it further enacted, that if it shall be the pleasure of his Majesty or the chief governor or governors of Ireland for the time being to discontinue the services of any troop or company which shall have been embodied or enrolled under the provisions of the said recited Act of the thirty-seventh year of his Majesty's reign, or which shall be embodied and enrolled,

When orders shall be given to discontinue the services of any troop or company, the commanding

or formed or continued, by virtue of the powers in this Act contained, on such the pleasure of his said Majesty or such chief governor or governors of Ireland being signified to the commanding officer of the said troop or company, he shall forthwith, on or before the next usual exercise day of the said troop or company, communicate to the several persons enrolled in the said troop or company, the said order for discontinuing their service as aforesaid, and shall then require the said several persons to deliver up any arms, accoutrements, or clothing which shall have been entrusted to their custody respectively, which arms, accoutrements, and clothing shall be forthwith delivered up by the said persons accordingly; and such arms, accoutrements, and clothing so to be delivered up as aforesaid to the said commanding officer, shall be conveyed and deposited by such commanding officer in such place or places, and at such time or times, and given up by the said commanding officer to such person or persons as his Majesty or such chief governor or governors of Ireland shall be pleased to appoint; and if any such commanding officer shall refuse or neglect to call in and deliver up such arms, accoutrements, and clothing, for and during the space of one calendar month from the day of the date of the order of his Majesty or such chief governor or governors of Ireland to that effect, such commanding officer so refusing or neglecting shall, upon due conviction thereof in any court of record, be fined for such neglect or refusal the sum of five hundred pounds, one half thereof to be paid to the informer, and the other half to the treasurer of the infirmary of the county, town, or city in which his troop or company shall have been appointed to assemble, for the use of such infirmary.

officer shall communicate the same, and require them to deliver up their arms, &c.

500*l.* penalty on commanding officer neglecting for one month to deliver up such arms, &c.

V. AND be it further enacted, that if any person who shall have received or been entrusted with or who shall hereafter receive or be entrusted with any arms, accoutrements, or clothing from the publick stores, or at the publick expence, shall, upon the disbanding or discontinuing of the services of any such troop or company in manner aforesaid, or upon his quitting or withdrawing from any such troop or company or being discharged therefrom, refuse or neglect (on being thereto lawfully required), to deliver up any such arms, accoutrements, or clothing, every person so refusing or neglecting shall, on being convicted thereof before any justice of the peace of the county within which such troop or company shall have been formed, forfeit and pay the sum of ten pounds, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of such sufficient distress, such justice is hereby required to commit such offender to the common gaol of the county, city, or place where the offence shall have been committed, for any time not exceeding six months; and the monies arising by such penalty shall be applied by the commanding officer to replace such arms, accoutrements, or clothing, and the overplus (if any) to form a stock purse for the use of such troop or company, if such troop or company shall remain embodied, or if the said troop or company shall be disembodied or disbanded, then the whole of the said penalty shall be paid to the treasurer of the infirmary of the county, town, or city, in which such troop or company shall have been appointed to assemble, for the use of such infirmary.

Any person provided with arms, &c. at the publick expence, shall, on his corps being disbanded, or on his resignation or discharge, deliver them up, on penalty of 10*l.*

Application of penalty.

Where troops or companies, in cases of invasion or rebellion, &c. offer to act as military corps, officers shall be entitled to pay as regulars, and privates to such pay as they are allowed on days of exercise; and troops shall be subject to military discipline.

VI. AND be it further enacted, that if any such troop or company shall, in case of invasion, rebellion, or insurrection, or the apprehension thereof, voluntarily offer to act as a military corps, and to do duty as such, or to march wherever it shall be ordered within Ireland, during the continuance of such invasion, insurrection, or rebellion, or the apprehension thereof, every person therein who shall testify such his offer by putting his name thereto shall, upon such offer being accepted by his Majesty or the chief governor or governors of Ireland for the time being, be entitled, if a commissioned officer, to receive the same pay as officers of like rank receive in his Majesty's regular forces, and if a serjeant, trumpeter, drummer, or private, the same pay daily as on the days of exercise, and shall be subject, while he shall be so entitled, and at no other time nor on any other ground or pretence, to the like military discipline as his Majesty's regular and militia forces, during the time he shall have so offered for and no longer.

Courts-martial to be composed only of officers serving in the corps.

VII. PROVIDED always, and be it enacted, that no officer or soldier of any such corps shall be liable to be tried by any court martial, unless such court martial be composed entirely of officers serving in corps formed as aforesaid, such courts martial to be assembled by warrant from the chief governor or governors of Ireland for the time being, or by warrant from some general or other officer duly authorized to order courts martial to be holden.

Officers disabled in actual service entitled to half-pay, and privates to the benefit of the hospital at Kilmainham, &c.

VIII. AND be it further enacted, that all commissioned officers of such troops or companies who shall be disabled in actual service, shall be entitled to half pay, and all non-commissioned officers, privates, trumpeters, and drummers, to the benefit of the royal hospital at Kilmainham, and the widows of commissioned officers killed in the service, to such pension for life, as is usually given to the widows of officers of like rank in his Majesty's regular forces.

Persons while serving in such corps not liable to serve in the militia.

IX. AND be it further enacted, that no person who shall be enrolled or continued in any such troop or company as aforesaid shall, during the time he is serving in such corps, be liable to serve personally or to provide a substitute to serve in the militia, provided he shall produce a certificate, signed by his commanding officer, that he has for the space of three months immediately preceding the day on which he shall have been ballotted to serve in such militia, punctually attended at all such times and places as may have been appointed for the exercise of the troop or company to which he shall belong, unless prevented therefrom by sickness, which sickness shall be stated in such certificate, and verified by oath.

Persons enrolling themselves shall subscribe the following oath.

X. AND be it further enacted, that every person who shall hereafter enrol himself in any such troop or company shall, at the time he shall enrol himself, take and subscribe the following oath or affirmation of allegiance.

'I do sincerely promise and swear [or affirm], that I 'will be faithful, and bear true allegiance to his Majesty King George 'the Third, and that I will faithfully support and maintain the laws and con- 'stitution of this kingdom, and the succession to the throne in his Majesty's 'illustrious house. So help me GOD.'

Which oath any magistrate is hereby empowered to administer, and the commanding officer shall transmit the same to his Majesty's War Office in Ireland without delay, to be enrolled from thence in his Majesty's Court of Chancery at Dublin.

XI. AND be it further enacted, that if any officer shall admit or retain in his troop or company any person who shall neglect to take and subscribe the said oath, or who, upon being required thereto by him, shall refuse to take and subscribe the same, he shall, upon due conviction thereof in any court of record, be fined for every such offence in the sum of five hundred pounds, one half thereof to be paid to the informer and the other half to the treasurer of the infirmary of the county, town, or city, in which his troop or company shall be appointed to assemble, for the use of such infirmary.

Officers admitting persons before taking the oath, or persons refusing to take it, shall forfeit 500*l.*

XII. AND be it further enacted, that no constable or peace officer appointed or paid in pursuance of an Act passed by the Parliament of Ireland, in the twenty-seventh year of his present Majesty's reign, intituled "An Act for the "better execution of the law and preservation of the peace within counties at "large," shall be admissible into any such troop or company.

No constable appointed in pursuance of 27 Geo. 3. c. 40. (I.) shall be admissible into the corps.

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CHAPTER LXXII.

AN ACT for repealing an Act, made in the Thirty-eighth Year of the Reign of his present Majesty, intituled "An Act for raising a Body of Miners in "the Counties of Cornwall and Devon, for the Defence of the Kingdom "during the present War;" and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain.

[2d June 1802.]

WHEREAS by the laws now in force for regulating the militia of England, it is provided that nothing therein contained should extend to the miners in the counties of Devon and Cornwall, but that the warden of the stannaries, in pursuance of his Majesty's commission in that behalf, and such as he should commissionate and authorize under him, should have and use the like powers, and array, assess, arm, muster, and exercise the said miners within the said counties, or either of them, as hath been theretofore used, and according to the ancient privileges and customs of the said stannaries, and the like provision had been made by divers former Acts of Parliament concerning the militia: And whereas by reason of the length of time which elapsed since any commission hath issued to the warden of the stannaries aforesaid to array, assess, arm, muster, and exercise the said miners, great difficulties might occur in the execution of such commission: And whereas an Act was made in the thirty-eighth year of the reign of his present Majesty, intituled "An Act for "raising a body of miners in the counties of Cornwall and Devon for the "defence of the kingdom during the present war:" And whereas it is expedient that the said Act should be repealed, and that further and more effectual provision should be made for raising and regulating a body of miners, within the counties of Cornwall and Devon, for the defence of Great Britain: [a] Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, the said recited Act, passed in the thirty-eighth year of the

Recital of 38 Geo. 3. c. 74.

Recited Act repealed.

[a] Sect. 1. rep., so far as relates to the qualifications of officers, Stat. Law Rev. Act, 1872.

reign of his present Majesty, shall be repealed; and that [Rep., Stat. Law Rev. Act, 1872.] his Majesty may, from time to time, as occasion shall require, issue his commission to the warden of the stannaries of the counties of Devon and Cornwall for the time being, giving him power and authority during his Majesty's pleasure, and such warden is hereby, according to such commission, authorized and required, to call together, arm, array, and cause to be trained and exercised, such miners once in every year, in such numbers and in such manner as herein-after is directed; and the said warden shall constitute and appoint, from time to time, such persons as he shall think fit, being qualified as herein-after mentioned, to be his deputy wardens for the special purposes of this Act, the names of such persons having been first presented to and approved by his Majesty; and the said warden shall also appoint such field officers and other officers as herein-after directed, qualified as herein-after mentioned, to train, discipline, and command the miners so to be armed and arrayed, according to the rules, orders, and directions after mentioned; . . . . . and the officers so appointed shall rank with the militia officers of this kingdom, according to the dates of their respective commissions, and with all officers of his Majesty's regular forces, in the same manner as the said militia officers are entitled to rank; . . . . . Provided always, that if any warden of the said stannaries to whom his Majesty shall have issued his commission as aforesaid shall be removed from or resign his office of warden of the said stannaries, and cease to be warden of the said stannaries, the said commission issued to the said warden for the purposes aforesaid, and all and every the powers and authorities vested in such warden by virtue of such commission and of this Act, shall cease and determine: Provided also, that on every such removal or resignation his Majesty may issue his commission to any warden of the stannaries appointed to succeed on any vacancy, to exercise the powers hereby given to the warden of the stannaries for the time being, and such warden shall thereupon have full power and authority to exercise all the powers vested in such warden by the said commission and by this Act.

His Majesty may authorize the warden of the stannaries to call out and exercise the miners.

Warden shall appoint his deputies and officers, &c.

Rank of officers.

The warden's commission to cease on his removal from or resignation of his office, and a fresh commission to be issued to his successor.

II. AND be it further enacted, that the said warden shall constitute and appoint twelve special deputy wardens, at the least, for the purposes of this Act, if so many persons can be found qualified as herein-after directed; that is to say, every such person so to be appointed a special deputy warden shall be qualified in the same manner as deputy lieutenants are required to be qualified in the said counties of Cornwall and Devon by the laws in force relating to the militia of England (or by any Act to be passed in this session of Parliament, or by any former Act or Acts); and every person so to be appointed a special deputy warden shall take and subscribe the oaths, and make, repeat, and subscribe the declaration required to be taken, made, repeated, and subscribed by such deputy lieutenants by virtue of any such Act, changing only what ought to be changed.

Warden shall appoint at least 12 special deputy wardens, qualified as herein directed, &c.

[III. [a] AND be it further enacted, that his Majesty, his heirs and successors, may, from time to time, as he and they shall think fit, signify his and their pleasure to the warden of the stannaries to displace all or any deputy wardens or officers aforesaid, and thereupon the said warden shall forthwith displace

Warden shall displace deputies or officers on his Majesty's pleasure being signified for that purpose.

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[a] Rep., so far as relates to the qualifications of officers, Stat. Law Rev. Act, 1872.]

such deputy wardens or officers, and appoint others within the same county, with the like qualifications, and under and subject to the like provisions and restrictions, to serve in their stead.

Justices may act with deputy wardens.

IV. AND be it further enacted, that it shall be lawful for any justice or justices of the peace of the said counties respectively, together with one or more special deputy warden or deputy wardens, to do all matters and things in the execution of this Act which might be done by a like number of special deputy wardens, in the same manner as justices of the peace are authorized to act with deputy lieutenants in executing the laws concerning the militia.

Wardens shall appoint a clerk of the general meetings, and the deputy wardens a clerk for their subdivisions.

V. AND be it further enacted, that the said warden shall, from time to time, appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk, if he shall think fit, and appoint another in his room; and the special deputy wardens within their respective subdivisions, or the major part of those present at any subdivision meeting, shall also, from time to time, appoint a clerk for their subdivisions, and may displace such clerk, as they or the major part of them shall think fit, and appoint another in his room; . . . . . .

General meetings shall be holden annually.

VI. AND be it further enacted, that general meetings of the said warden and special deputy wardens shall be holden at the most convenient towns of the counties of Cornwall and Devon respectively; and such meetings shall consist of the warden and two special deputy wardens at the least, or, on the death, removal, or absence of the warden, of three special deputy wardens at the least; and one such general meeting shall be holden within each of the said counties, annually, upon the last Tuesday which shall happen before the tenth day of October in every year; and the said warden and two deputy wardens, or, on the death, removal, or absence of the warden, any three deputy wardens, when they shall find it necessary for carrying the purposes of this Act into execution, may summon, or cause to be summoned, other general meetings, on any days to be fixed by such summons; . . . . . and such general meeting shall and may summon other meetings and be adjourned in the same manner as general meetings of lieutenancy may be summoned and adjourned by virtue of the laws then in force concerning the militia forces in England.

First general meeting shall appoint subdivision meetings, &c.

VII. AND be it further enacted, that the said warden and special deputy wardens, or such of them as shall be present at the first general meeting to be held in pursuance of this Act, in each of the said counties of Cornwall and Devon, shall appoint the several subdivision meetings, which shall be held within the four stannaries of Blackmore, Foymore, Tywarnhaite, Penwith, and Kerrier respectively, for the county of Cornwall, and within the four stannaries of Chagford, Ashburton, Plymton, and Tavistock, for the county of Devon; which subdivision meetings shall consist of two special deputy wardens, or one special deputy warden and one justice of the peace for the county within which such subdivision meetings shall be holden; and such subdivision meetings shall have the like powers and authorities for the purposes of this Act, as the subdivision meetings of lieutenancy have for the purposes of the several general Acts concerning the militia forces of England.

Annual meetings shall issue orders to the chief con-

VIII. AND be it further enacted, that the said warden and special deputy wardens respectively present at every annual meeting in each of the said counties shall issue their orders to the chief constables, and where there is no

stables, &c., to return to the special deputy wardens lists of miners between 18 and 45 years.

chief constable, to some other officer of the hundred or other division within the said counties respectively where miners do dwell, requiring every such chief constable or other officer to issue an order under his hand to all constables, tythingmen, and other officers of every parish, tything, or place within the said hundreds or other divisions respectively where miners do dwell, to return to the special deputy wardens within their respective subdivisions, at the places and at the times to be appointed for that purpose, full and true lists in writing of all and every the miners dwelling within their respective parishes and places, between the ages of eighteen and forty-five years, distinguishing their respective occupations as miners, and where the true names and descriptions of such miners cannot be procured, their common appellations shall be sufficient; and distinguishing which of such persons so returned labour under any infirmity likely to incapacitate them from serving in pursuance of this Act, or claim to be exempt from serving in the militia, together with the ground of such claim of exemption, under any Act or Acts which may be in force relating to the militia of England; and having first affixed a true copy of the list intended to be so returned on the door of the church or chapel belonging to every such parish or place, or if any such parish or place shall have no church or chapel belonging thereto, then on the door of the church or chapel of some parish or place adjoining, on some Sunday morning before such return shall be made, which shall be three days at the least before the meeting appointed for receiving such return; and having also written at the bottom of such copy, so affixed on the door of such church or chapel, notice of the day and place of such meeting, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will afterwards be received; and at the days and places so to be appointed for the returns of such lists, the constables, tythingmen, and other officers respectively shall attend, and verify the same upon oath; and the said special deputy wardens, or any two or more of them, or any special deputy warden and one or more justice or justices of the peace assembled in their respective subdivisions, shall proceed to hear appeals, and amend such lists, and cause duplicates of such amended lists to be made, and otherwise to act therein in the same manner as deputy lieutenants and justices are authorized to proceed in the like cases, and with the like regard to exemptions claimed as in respect to the returns of men to be ballotted for the militia in England.

Copies of lists shall be affixed on the church door.

Subdivisions may hear appeals, &c.

No person to be struck off the list as not being a privileged miner, if left out of lists of regular militia on ground of privilege.

IX. PROVIDED always, and be it enacted, that no person shall be struck off the said lists upon appeal on pretence that such person is not a privileged miner, if such person, being above the age of eighteen years, was left out of the list last returned under the laws concerning the militia forces of England for the parish or place where he resided as a privileged miner, and unless such person shall, upon oath, or affirmation (if a Quaker), declare that he was not left out of such list by reason of his being a privileged miner, but by mistake or neglect, or for some other cause.

Penalty of 20*l.* on constable, &c. omitting names from lists.

X. AND be it further enacted, that if any constable, tythingman, or other officer shall wilfully omit or neglect to insert in any such list the name of any person which ought to be inserted therein, every such constable, tythingman, or other officer shall forfeit and lose for every such offence the sum of twenty pounds.

Special wardens may require chief captains of mines, or agents of blowing houses, to return lists of the miners employed, &c.

XI. AND be it further enacted, that in order to enable the said special deputy wardens to correct and amend the said lists, and discover whether all the names have been inserted which ought to have been inserted therein, the said special deputy wardens shall, if they shall think fit, issue their precept to the chief captain of any mine, or to the agent of any blowing house or smelting house within any subdivision, requiring such chief captain or agent to return to such special deputy wardens, at any subdivision meeting as they shall see fit, a true list of all the working miners employed in or about the business of such mine, blowing house or smelting house, and describing their occupations as miners, and where they respectively dwell; and if any such captain or agent shall wilfully omit or neglect to insert in such list the name of any person which ought to be inserted therein, such captain or agent shall forfeit and lose the sum of fifty pounds.

Penalty of 50*l.* for omitting names in such lists.

After lists are completed, special deputy wardens shall appoint the number of men to serve for each subdivision, and for each place therein, and shall appoint another meeting and choose the men by ballot, &c.

XII. AND be it further enacted, that after such return shall have been made, and such lists amended and made compleat as aforesaid, the said special deputy wardens within their respective subdivisions shall, at subdivision meetings to be holden for that purpose, appoint what number of men shall serve for each subdivision, and shall direct what number of men so to be appointed to serve for such subdivision shall serve for each parish and place within such subdivision, in proportion to the numbers appointed to serve for such subdivision, and shall appoint another meeting to be holden within the same subdivision as soon as conveniently may be, and within three weeks from the day of the prior meeting, and shall issue an order to the chief constables, or other officers of the respective hundreds and places within such subdivision, requiring them to give notice to the constable, tythingman, or other officer of every parish or place within their respective hundreds and places of the time and place of the next subdivision meeting; and the said special deputy wardens, or any two of them, at such subdivision meeting shall cause the number of men appointed to serve as aforesaid to be chosen by ballot out of the duplicate of the list returned for every parish and place, and amended as aforesaid, in the same manner as men are or shall be chosen by ballot to serve in the militia in England, and shall appoint another meeting to be holden in the same subdivision as soon as conveniently may be, and within three weeks after such prior meeting, and shall issue an order to the chief constables, or other officers of the several hundreds or places within such subdivision, to direct the constable, or other officer of every parish or place, to give notice to each man so chosen to serve as aforesaid to appear at such meeting so to be appointed, which notice shall be given to him, or left at his place of abode, at least seven days before such meeting; and such constable or other officer shall attend such meeting, and make a return on oath of the service of such notice, and every person so chosen by ballot shall upon such notice appear at such meeting, and there take the following oath; that is to say, [a]

. . . . . .

Persons chosen to be enrolled for 5 years.

And every such person shall be inrolled (in a roll to be then and there prepared for that purpose) to serve in the said regiment for the space of five years.

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[a] So much of this Act as prescribes the form of oaths to be taken by persons ballotted, and by substitutes and volunteers raised under this Act, rep., 51 Geo. 3. c. 114. s. 2.]

Persons balloted may produce substitutes, who may be enrolled.

[XIII.[a]] PROVIDED always, and be it further enacted, that any person so chosen by ballot may produce a substitute, who shall be examined, approved, enrolled, and sworn in the same manner, under the like regulations, for the same term, and with the like limitation of service, as substitutes may be sworn and enrolled under any Acts which now are or may be in force for regulating the militia in England.

If the full number of men for any subdivision shall not be enrolled, a fresh ballot shall be taken.

XIV. AND be it further enacted, that if, through any neglect or mistake, or from any other cause, the full number of men appointed for any subdivision should not be duly enrolled at the meeting appointed for that purpose, then the said special deputy wardens, or any two or more of them, at their said meeting or at some subsequent meeting, are hereby required immediately to proceed to a fresh ballot, and to adjourn their meeting, and appoint other meetings and amend the lists, and repeat the amending of lists as may be necessary and expedient for carrying the purposes of this Act duly and fully into execution, in the same manner as deputy lieutenants may do for the like purposes by the laws in force concerning the militia.

A deputy warden or justice may administer oaths, and direct the clerk to enrol the persons sworn.

XV. AND be it further enacted, that it shall be lawful for any one special deputy warden or justice of the peace to administer the oath herein-before required to be taken, either to any person balloted, or to any person who shall offer to serve as a substitute, and such special deputy warden or justice of the peace is hereby authorized to direct and require the clerk of the subdivision, for which every such person is to serve, to enroll on the roll of such subdivision the name of such person, together with the day on which the said oath was so administered to such person.

If persons chosen by ballot do not appear or provide substitutes, they shall forfeit 15*l.* and be liable to serve on a new ballot; and if penalty be not paid, shall be compellable to serve.

XVI. AND be it further enacted, that if any person chosen by ballot as aforesaid shall refuse or neglect to appear and take the oath aforesaid, and serve in the said regiment, or provide a substitute who shall be examined, approved, sworn, and enrolled according to the provisions herein contained, every such person so refusing or neglecting shall forfeit and pay the sum of fifteen pounds, and be liable, at the expiration of five years, to serve in the said regiment or provide a substitute; and in default of payment of such penalty as aforesaid, or for want of sufficient effects whereon to levy the same, the name of such person shall be entered on the roll, and such person shall be delivered over to the proper officer of the regiment, and shall be compelled to serve in the said regiment for such term, to be computed from the time of his being apprehended, as any other person then ballotted for would be liable to serve, and shall be subject to the same punishment for afterwards absconding or deserting as he would have been subject to in case he had appeared and been duly sworn and enrolled: Provided always, that if any person, so ballotted to serve in the said regiment, shall be one of the people called Quakers, the same proceedings shall be had with respect to such person as may be had with respect to a Quaker ballotted to serve in the militia in England; and all and every the provisions with respect to the people called Quakers in the several Acts concerning the militia forces of England shall be carried into execution in the levying of men to be raised by virtue of this Act, in the same manner and as fully and amply as if the same had been repeated and enacted in the body of this Act.

Quakers balloted to be proceeded with as Quakers in the regular militia.

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[a] So much of this Act as prescribes the form of oaths to be taken by persons ballotted, and by substitutes and volunteers raised under this Act, rep., 51 Geo. 3. c. 114. s. 2.]

Subdivision meetings may order persons to serve who have fraudulently changed their residence.

XVII. AND be it further enacted, that if any two or more deputy wardens or justices of the peace shall, at any of their subdivision meetings, receive information, or shall suspect that any person, whose name shall be inserted in any list to be returned in pursuance of this Act, shall wilfully quit or leave his place or residence for the purpose of avoiding the service required by this Act, it shall be lawful for them to make enquiry thereof, and to summon such persons as they shall think necessary to appear before them, at such time and place as they shall appoint, and to examine such persons upon oath (which oath any one of them is hereby authorized to administer); and in case it shall appear that such change of residence was fraudulent, in order to avoid serving in the said miners regiment, it shall be lawful for such deputy wardens or justices of the peace, or any two of them, to appoint such person so fraudulently changing his residence to serve as a private man in the said regiment for the parish, tything, or place for which such list shall have been returned, if there shall be a vacancy; and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and if any such person shall neglect or refuse to serve in the said regiment pursuant to such order, he shall, for every such offence, forfeit and pay the sum of ten pounds.

Penalty of 10*l.* for refusing to serve.

Lists of two places may be added together.

XVIII. AND be it further enacted, that it shall be lawful for the said special deputy wardens, or any two or more of them, within their respective subdivisions, to add together the lists of two or more parishes or places within such subdivision, and proceed upon such lists added together, in the same manner as if such lists had been originally returned for one parish or place, so as to make the choice of men by ballot within every parish and place in each subdivision as equal as possible.

If lists be lost, the deputy wardens may cause new lists to be made out.

XIX. AND be it further enacted, that if the list of any parish or place shall be lost or destroyed, it shall be lawful for the said special deputy wardens, or any two or more of them, to cause a new list of such parish or place to be made and returned to them at their next or any subsequent subdivision meeting, and to enforce the return thereof, and to proceed thereupon in the same manner as they might have done upon the list so lost or destroyed, if the same had not been lost or destroyed.

Establishment of the regiment.

XX. AND be it further enacted, that . . . . . the said private men to be raised by virtue of this Act shall form a regiment of four companies, to each of which there shall be one captain, one lieutenant, and one ensign, and the field officers of the said regiment shall be one lieutenant colonel commandant and one major: Provided always, that no field officer of the said regiment shall be captain of a company: Provided always, that the said lieutenant colonel commandant may be appointed, with the approbation of his Majesty, to serve with the rank of colonel, in case he shall have served as an officer for five years in his Majesty's regular forces, or in the embodied militia: Provided always, that in case of any augmentation being made to the said regiment as herein-after mentioned, no new companies shall be added thereto, unless the number of private men shall be then sufficient to form more than four companies of sixty private men at the least

The warden may be the lieutenant colonel.

XXI. AND be it further enacted, that it shall be lawful for the said warden, if he shall think fit, with the approbation of his Majesty, to be the lieutenant colonel commandant of the said regiment, instead of appointing another person to be lieutenant colonel commandant thereof.

Warden to call out the regiment yearly for 21 days, to be trained and exercised, and the regulations of the militia shall extend thereto.

XXII. AND be it further enacted, that it shall and may be lawful to and for the said warden, and he is hereby required, once in every year, to call out the said regiment, or any part or proportion thereof, not being less than two companies, for the purpose of being trained and exercised together for the space of twenty-one days, at such time or times, and place or places, as he shall appoint, with the approbation of his Majesty; and in case the whole of such regiment shall not be called out in order to be trained and exercised at the same time, the respective parts thereof shall be trained and exercised successively, until the whole of the men serving in such regiment shall have been trained and exercised for the space of twenty-one days in every year; and all the rules, regulations, powers, directions, and provisions contained in any Act relating to the militia of England, not repugnant to the provisions of this Act, shall extend and be construed to extend to the said regiment, or any part thereof, when so called out as aforesaid, as fully and effectually to all intents and purposes as if the said rules, regulations, powers, directions, and provisions were repeated and re-enacted in the body of this Act.

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His Majesty may appoint an adjutant.

XXIV. AND be it further enacted, that his Majesty may and shall appoint one proper person, who shall have served, or shall, at the time of such appointment, actually serve in some of his Majesty's other forces, or in any body of militia that has been drawn out and embodied for the space of five years, to be the adjutant of the said regiment of miners; and such adjutant shall and may have the like privileges, benefits, and advantages, and no other, as any adjutant appointed to any body of militia is entitled to by the laws in force concerning the militia.

The warden shall appoint a surgeon,

XXV. AND be it enacted, that the said warden shall and may, with the approbation of his Majesty, appoint one fit and proper person who shall have passed his examination at Surgeons Hall, and received his certificate accordingly, to be surgeon of the said regiment; and such surgeon shall be entitled to the same pay and emoluments, and be subject to the same rules and regulations as surgeons serving in the militia.

and the lieutenant colonel commandant a regimental clerk.

XXVI. AND be it further enacted, that the lieutenant colonel commandant of the said regiment shall appoint a regimental clerk, who shall execute the office of paymaster in the same manner and with the like benefits as persons appointed to the like offices by the colonels or commanding officers of regiments or battalions of militia.

Serjeants, corporals, and drummers shall be appointed in the same proportion as to militia regiments.

XXVII. AND be it further enacted, that serjeants, corporals, and drummers shall be appointed to the said regiment in the same manner and in the same proportion as serjeants, corporals, and drummers are appointed to militia regiments in England; and such serjeants, corporals, and drummers shall take the same oath to serve faithfully in the said regiment of miners as serjeants, corporals, and drummers of militia are required to take to serve in the militia, changing only what ought to be changed.

* * * * * * * * *

The provisions of any Act concerning the militia forces of England shall extend to this Act, so far as applicable.

XXIX. AND be it further enacted, that all and every the provisions contained in any Act made or to be made concerning the militia forces of England, for holding the several general and subdivision meetings of lieutenancy of the several counties and places therein mentioned, and appointing new or other meetings, and for procuring and compelling returns and proceedings thereon,

and for ballotting men to serve in the said militia, and all and every the powers, provisions, rules, regulations, penalties and forfeitures, bounties, allowances, clauses, matters, and things contained in any such Act, relative to the raising, training, embodying, and calling out the said militia, or providing for the families of militia men called out, or respecting the paying, clothing, or subsisting the militia, or touching the billetting the said militia, or in any manner relating to or concerning such militia, or any officers or men serving therein, shall be applied, practised, and put in execution with respect to the regiment hereby directed to be raised, and the officers or men serving therein, in as full and ample manner as if all and every such powers, provisions, rules, regulations, penalties, forfeitures, bounties and allowances, clauses, matters, and things had been again repeated and enacted in this Act, so far as the same respectively are applicable to the provisions of this Act, and are not repugnant to or altered thereby.

* * * * * * * * *

Provisions of 24 Geo. 2. c. 44. shall extend to the warden and his deputies.

XXXI. AND be it further enacted, that the provisions of an Act passed in the twenty-fourth year of the reign of his late Majesty King George the Second, intituled "An Act for the rendering justices of the peace more safe in the execution of their office; and for indemnifying constables and others acting in obedience to their warrants," shall extend to the said warden and deputy wardens while acting in the execution of this Act, in like manner and as fully and effectually as the same extend to justices of the peace, acting in the execution of their office.

Officers may sit in Parliament.

XXXII. AND be it further enacted, that the acceptance of a commission in the said regiment shall not vacate the seat of any member returned to serve in Parliament, ...

Penalties how to be recovered.

XXXIII. And be it further enacted, that all fines, penalties, and forfeitures by this Act imposed, which shall exceed the sum of twenty pounds, shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in any of the stannary courts in the counties of Cornwall and Devon, wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed; and that all fines, penalties, and forfeitures by this Act imposed, which shall not exceed the sum of twenty pounds, shall, on proof upon oath of the offence before any justice of the peace of the county, riding, or place where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of sufficient distress, such justice is hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county, riding, or place where the offence shall have been committed, for any time not exceeding three months; and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this Act, shall be paid to the clerk of the said regiment, and shall be made part of the publick stock of such regiment.

No order of conviction to be removed by certiorari, &c.

XXXIV. AND be it further enacted, that no order of conviction made by the said warden or two special deputy wardens, or by one special deputy warden

together with any one justice of the peace, or by any justice or justices of the peace, by virtue of this Act, shall be removed by certiorari out of the county, riding, division, city, town, or place wherein such order or conviction shall have been made, into any court whatsoever; and that no writ of certiorari shall supersede execution or other proceedings upon any such order or conviction so made in pursuance of this Act, but that execution and other proceedings shall be had and made thereupon, any such writ or writs, or allowance thereof, notwithstanding.

Limitation of actions.

XXXV. AND be it further enacted, that if any action or suit shall be brought against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, and shall be laid in the county, riding, or place where the cause of complaint did arise and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuit, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue.

Treble costs.

CHAPTER LXXIII.

AN ACT for the Preservation of the Health and Morals of Apprentices and others, employed in Cotton and other Mills, and Cotton and other Factories. [22d June 1802.]

WHEREAS it hath of late become a practice in cotton and woollen mills, and in cotton and woollen factories, to employ a great number of male and female apprentices and other persons in the same building, in consequence of which certain regulations are become necessary to preserve the health and morals of such apprentices and other persons: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the second day of December one thousand eight hundred and two, all such mills and factories within Great Britain and Ireland, wherein three or more apprentices or twenty or more other persons shall at any time be employed, shall be subject to the several rules and regulations contained in this Act; and the master or mistress of every such mill or factory is hereby strictly enjoined and required to pay due attention to and act in strict conformity to the said rules and regulations.

From Dec. 2, 1802, mills and factories employing a certain number of persons shall be subject to the regulations of this Act.

II. AND be it enacted, that all and every the rooms and apartments in or belonging to any such mill or factory shall, twice at least in every year, be well and sufficiently washed with quick lime and water over every part of the walls and ceiling thereof; and that due care and attention shall be paid by the master or mistress of such mills or factories, to provide a sufficient number of windows and openings in such rooms or apartments, to insure a proper supply of fresh air in and through the same.

The rooms shall be washed with quick lime and water twice a year, and care shall be taken to admit fresh air.

Apprentices shall be supplied with two complete suits of clothing, &c., and a suit shall be delivered yearly.

III. AND be it further enacted, that every such master or mistress shall constantly supply every apprentice, during the term of his or her apprenticeship, with two whole and complete suits of cloathing, with suitable linen, stockings, hats, and shoes; one new complete suit being delivered to such apprentice once at least in every year.

Time of working not to exceed 12 hours.

IV. AND be it further enacted, that no apprentice that now is or hereafter shall be bound to any such master or mistress, shall be employed or compelled to work for more than twelve hours in any one day, (reckoning from six of the clock in the morning to nine of the clock at night), exclusive of the time that may be occupied by such apprentice in eating the necessary meals: Provided always, that from and after the first day of June one thousand eight hundred and three, no apprentice shall be employed or compelled to work upon any occasion whatever, between the hours of nine of the clock at night and six of the clock in the morning.

From June 1, 1803, no apprentices to be compelled to work between nine at night and six in the morning.

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Apprentices to be instructed every working day for the first four years of his apprenticeship in reading, writing, and arithmetick, &c.

VI. AND be it further enacted, that every such apprentice shall be instructed in some part of every working day, for the first four years at least of his or her apprenticeship, which shall next ensue from and after the second day of December one thousand eight hundred and two, if he or she is an apprentice on the said second day of December one thousand eight hundred and two, and for the first four years at least of his or her apprenticeship, if his or her apprenticeship commences at any time after the said second day of December one thousand eight hundred and two, in the usual hours of work, in reading, writing, and arithmetick, or either of them, according to the age and abilities of such apprentice, by some discreet and proper person, to be provided and paid by the master or mistress of such apprentice, in some room or place in such mill or factory to be set apart for that purpose; and that the time hereby directed to be allotted for such instruction as aforesaid, shall be deemed and taken on all occasions as part of the respective periods limited by this Act, during which any such apprentice shall be employed or compelled to work.

Time of instruction to be included in working hours.

Apartments of male and female apprentices to be kept distinct, and two only shall sleep in one bed.

VII. AND be it further enacted, that the room or apartment in which any male apprentice shall sleep shall be entirely separate and distinct from the room or apartment in which any female apprentice shall sleep; and that not more than two apprentices shall in any case sleep in the same bed.

Regulations to be observed for the instruction and religious worship of apprentices on Sundays.

VIII. AND be it further enacted, that every apprentice, or (in case the apprentices shall attend in classes), every such class shall, for the space of one hour at least every Sunday, be instructed and examined in the principles of the Christian religion, by some proper person to be provided and paid by the master or mistress of such apprentice; and in England and Wales, in case the parents of such apprentice shall be members of the Church of England, then such apprentice shall be taken, once at least in every year during the term of his or her apprenticeship, to be examined by the rector, vicar, or curate of the parish in which such mill or factory shall be situate; and shall also after such apprentice shall have attained the age of fourteen years, and before attaining the age of eighteen years, be duly instructed and prepared for confirmation, and be brought or sent to the bishop of the diocese to be confirmed, in case any confirmation shall during such period take place in or for the said parish; . . . . . and such master or mistress shall send all his or her apprentices under the care of some proper person,

once in a month at least, to attend during divine service in the church of the parish or place in which the mill or factory shall be situated, or in some other convenient church or chapel where service shall be performed according to the rites of the Church of England, or according to the established religion in Scotland, as the case may be, or in some licensed place of divine worship; and in case the apprentices of any such master or mistress cannot conveniently attend such church or chapel every Sunday, the master or mistress, either by themselves or some proper person, shall cause divine service to be performed in some convenient room or place in or adjoining to the mill or factory, once at least every Sunday that such apprentices shall not be able to attend divine service at such church or chapel; and such master or mistress is hereby strictly enjoined and required to take due care that all his or her apprentices regularly attend divine service according to the directions of this Act.

Justices at their Midsummer sessions yearly shall appoint two visitors of such mills or factories, who shall report the condition thereof to the quarter sessions, &c.

IX. AND be it further enacted, that the justices of the peace for every county, stewartry, riding, division, or place, in which any such mill or factory shall be situated, shall, at the Midsummer sessions of the peace to be holden immediately after the passing of this Act for such county, stewartry, riding, division, or place, and afterwards yearly at their annual Midsummer sessions of the peace, appoint two persons not interested in or in any way connected with any such mills or factories, to be visitors of such mills or factories in such county, stewartry, riding, division, or place, one of whom shall be a justice of peace for such county, stewartry, riding, division, or place, and the other shall be a clergyman of the Established Church of England or Scotland, as the case may be; and in case it shall be found inconvenient to appoint one such justice and one such clergyman as aforesaid, it shall be lawful to and for such justices, and they are hereby required, to appoint two such justices or two such clergymen; and the said visitors, or either of them, shall have full power and authority from time to time throughout the year to enter into and inspect any such mill or factory at any time of the day, or during the hours of employment, as they shall think fit; and such visitors shall report from time to time in writing to the quarter sessions of the peace the state and condition of such mills and factories, and of the apprentices therein, and whether the same are or are not conducted and regulated according to the directions of this Act and the laws of the realm; and such report shall be entered by the clerk of the peace among the records of the session in a book kept for that purpose: Provided always, that in case there shall be six or more such mills or factories within any one such county, riding, division, or place, then it shall be lawful for such justices to divide such county, riding, division, or place into two or more districts or parts, and to appoint two such visitors as aforesaid for each of such districts or parts.

In case of infectious disorders prevailing, the visitors may require the master to call in medical assistance, &c.

X. AND be it further enacted, that in case the said visitors or either of them shall find that any infectious disorder appears to prevail in any mill or factory as aforesaid, it shall be lawful for them or either of them to require the master or mistress of any such mill or factory to call in forthwith some physician or other competent medical person, for the purpose of ascertaining the nature and probable effects of such disorder, and for applying such remedies and recommending such regulations as the said physician or other competent medical person shall think most proper for preventing the spreading of the infection and for restoring the health of the sick; and that such physician or

other competent medical person shall report to such visitors, or either of them, as often as they shall be required so to do, their opinion in writing of the nature, progress, and present state of the disorder, together with its probable effects; and that any expences incurred in consequence of the provisions aforesaid for medical assistance shall be discharged by the master or mistress of such mill or factory.

Penalty for obstructing visitors.

XI. AND be it further enacted, that if any person or persons shall oppose or molest any of the said visitors in the execution of the powers intrusted to them by this Act, every such person or persons shall for every such offence forfeit and pay any sum not exceeding ten pounds nor less than five pounds.

Copies of this Act to be affixed in two conspicuous places of such mills or factories.

XII. AND be it further enacted, that the master or mistress of every such mill or factory shall cause printed or written copies of this Act to be hung up and affixed in two or more conspicuous places in such mill or factory, and shall cause the same to be constantly kept and renewed so that they may at all times be legible and accessible to all persons employed therein.

Penalty on masters offending against this Act.

XIII. AND be it further enacted, that every master or mistress of any such mill or factory who shall wilfully act contrary to or offend against any of the provisions of this Act, shall for such offence (except where otherwise directed) forfeit and pay any sum not exceeding five pounds nor less than forty shillings, at the discretion of the justices before whom such offender shall be convicted as after mentioned; one half whereof shall be paid to the informer, and the other half to the overseers of the poor in England and Ireland, and to the minister and elders in Scotland, of the parish or place where such offence shall be committed, to be by them applied in aid of the poor rate in England and Ireland, and for the benefit of the poor in Scotland, of such parish or place: Provided always, that all informations for offences against this Act, shall be laid within one calendar month after the offence committed, and not afterwards.

Mills or factories employing a certain number of persons to be entered in a book kept by the clerk of the peace, who shall receive 2s. for each entry.

XIV. AND be it further enacted, that every such master or mistress shall, at the Epiphany sessions in every year, make or cause to be made an entry in a book to be kept for that purpose by the clerk of the peace of the county, riding, or division in which any mill or factory shall be situate, of every such mill or factory occupied by him or her wherein three or more apprentices or twenty or more other persons shall be employed, and the said clerk of the peace shall receive for every such entry the sum of two shillings and no more.

Penalties and forfeitures how to be recovered.

XV. AND be it further enacted, that all offences for which any penalty is imposed under this Act, shall and may be heard before any two or more justices of the peace, acting in or for the place where the offence shall be committed; and all penalties and forfeitures by this Act imposed, and all costs and charges attending the conviction of any such offender or offenders, shall and may be levied by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of any two or more justices of the peace acting for the county, stewartry, riding, division, or place where such offence shall be committed, rendering the overplus (if any) to the party or parties offending; and which warrant such justices are hereby empowered and required to grant, upon conviction of the offender either by confession or upon the oath of one or more credible witness or witnesses (which oath such justices are hereby empowered to administer); and in case such distress cannot be found, and such penalties, forfeitures, and costs shall not be forthwith paid, it shall and may be lawful for such justices, and they are hereby empowered

and required, by warrant under their hands and seals, to commit such offender or offenders to the common gaol or house of correction of the county, stewartry, riding, division, or place where the offence shall be committed, for any time not exceeding two calendar months, unless the said penalty, forfeiture, and costs, shall respectively be sooner paid and satisfied: Provided always, that no warrant of distress shall be issued for levying any such penalty, forfeiture, or costs, until six days after the offender shall have been convicted, and an order made upon him or her for payment thereof; and no such conviction shall be removeable by certiorari or bill of advocation into any court whatsoever.

Form of conviction.

[XVI.*] AND be it further enacted, that every such conviction before such justices may be made in the following form; to wit,

'County of } BE it remembered, that on the day of
' to wit. } in the year A.B. was, upon
' the complaint of C.D., convicted before of the justices of the peace
' for the said county of [or, for of or in the said
' county of , as the case shall happen to be], in pursuance of an
' Act passed in the forty-second year of the reign of his Majesty King George
' the Third, for [or as the case may be]. Given under our hands and seals,
' the day and year above written.'

Which conviction shall be certified to the next general quarter sessions, there to be filed amongst the records of the county, riding, or division.

Publick Act.

XVII. AND be it enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such, by all judges, justices, and others, without specially pleading the same.

CHAPTER LXXXV.

AN ACT for the trying and punishing in Great Britain Persons holding publick Employments, for Offences committed abroad; and for extending the Provisions of an Act passed in the Twenty-first Year of the Reign of King James, made for the Ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe Custody. [22d June 1802.]

WHEREAS persons holding and exercising publick employments out of Great Britain often escape punishment for offences committed by them for want of courts having a sufficient jurisdiction in or by reason of their departing from the country or place where such offences have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, in as much as such offences cannot be laid to have been committed within the body of any county: And whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled "An Act to punish governors of plantations of this kingdom for crimes by them committed in the plantations," and in an Act passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for establishing certain regulations for the better management of

11 Will. 3. c. 12.

13 Geo. 3. c. 63.

[* Rep., so far as relates to Ireland, Stat. Law Rev. Act, 1872.]

"the affairs of the East India Company, as well in India as in Europe," and in an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled "An Act for the better regulation and management of the affairs of "the East India Company, and of the British possessions in India, and for "establishing a court of judicature for the more speedy and effectual trial "of persons accused of offences committed in the East Indies," should be extended and applied to the punishment of such offenders: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any publick station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanor, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanor may be prosecuted or enquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's attorney general, or upon an indictment found, in which information or indictment such crime, offence, or misdemeanor may be laid and charged to have been committed in the county of Middlesex, and all such persons so offending, and also all persons tried under any of the provisions of the said recited Act passed in the reign of King William aforesaid, or this Act, or either of them, for any offence, crime, or misdemeanor, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law or laws now in force, or any Act or Acts that may hereafter be passed, be inflicted for any such crime, misdemeanor, or offence committed in England, and shall also be liable, at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any publick employment whatever.

24 Geo. 3. sess. 2. c. 25.

Offences committed by persons employed in any publick service abroad may be prosecuted in the Court of King's Bench in England; and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England.

II. AND be it further enacted, that in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made, and such notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on behalf of his Majesty's attorney general or other prosecutor, or of the defendant or defendants, to award, at the discretion of the said court, a writ or writs of mandamus to any chief justice and judges, or any chief justice or other judge singly for the time being, of any court or courts of judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any governor or lieutenant governor or other person having any chief authority in such country, island, or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient, for the purpose of obtaining and receiving proofs concerning the matters

The Court of King's Bench, on motion, may award a writ of mandamus to any court of judicature, or the governor, &c. of the country where the offence was committed, to obtain proofs of the matters charged in the indictment; which shall be obtained by viva voce evidence, and the same shall be transmitted to the Court of King's

Bench, and admitted on the trial, &c.

charged in any such indictment or information; and the person or persons to whom such writ or writs shall be directed and sent are hereby respectively authorized and required to hold a court, session, or meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively, and in the meantime to cause publick notice to be given of the holding the said court, session, or meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require; and such examination or examinations shall be then and there openly and publickly taken viva voce in the said court, session, or meeting, upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents, person or persons, on behalf of the said attorney general or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the court, person or persons to whom such writ shall be directed and sent as aforesaid, upon the respective oaths of witnesses, and the oaths of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or person sworn for that purpose, be reduced into writing on parchment or paper, and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor, or the defendant or defendants respectively, into two or more writings on parchment or paper, as the case may require; and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up, and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken; and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such manner as the said Court of King's Bench shall direct; and all such examinations shall, with all convenient speed, be delivered to one of the clerks in court of his Majesty's Court of King's Bench, in the Crown office of the said court, for the safe custody thereof; and every clerk in the said Court of King's Bench, to whom any examination or examinations shall be delivered, is hereby authorized to administer an oath to the person delivering the same to him, in such form as the said Court of King's Bench shall direct; and such examination or examinations shall be allowed and read upon the trial of any such indictment or information, or any other subsequent proceeding thereon or relating thereto, and shall be deemed as good and competent evidence as if the witness or witnesses, whose examination or examinations shall be so read, had been present and sworn and examined viva voce at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations, or any part thereof, when the same shall be offered to be read as aforesaid; and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in court at their own costs and charges.

Court of King's Bench may order an examination de bene esse, in cases where viva voce evidence cannot be had.

III. AND be it further enacted, that it shall also be lawful for the said Court of King's Bench, upon motion to be made, and such notice thereof as aforesaid, by or on behalf of his Majesty's attorney general, or other prosecutor, or defendant or defendants in any such indictment or information, to order an examination de bene esse of witnesses upon interrogatories, in any case where the viva voce testimony of such witnesses cannot conveniently be

had, to be taken before an examiner to be appointed by the said court; and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information, or in any other subsequent proceeding thereon or relating thereto, and shall be deemed good and sufficient evidence in the law, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Persons to whom such writs of mandamus shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, &c.

IV. AND be it further enacted, that it shall be lawful for any person or persons to whom any such writ or writs of mandamus shall be directed or order sent as aforesaid, and, in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ or required by the said order, and who shall act in the execution thereof, and such person and persons is and are hereby respectively authorized and required, to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order, or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid; and such person and persons respectively to whom such writ shall be directed or order sent as aforesaid, or so many of them as shall in that behalf be appointed and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons or other process for that purpose, and may proceed upon such summons or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any court or courts of record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such court.

Persons giving false evidence shall be subject to the pains inflicted for perjury.

V. AND be it further enacted, that in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid.

VI. AND whereas it is expedient to extend the provisions of an Act, passed in the twenty-first year of the reign of his Majesty King James the First, intituled "An Act to enlarge and make perpetual the Act made for ease in pleading against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his Majesty's officers, for the lawful execution of their office, made in the seventh year of his Majesty's most happy reign," to all persons who may by law commit to safe custody, either in or out of this kingdom: Be it therefore enacted, that from and after the passing of this Act, the said recited Act and all the provisions therein contained shall extend, and be deemed, taken, and construed to extend, to all per-

Provisions of 21 Ja. 1. c. 12. extended to persons all having publick em-

ployment in this kingdom or in the colonies and foreign possessions of the Crown who by law are empowered to commit persons to safe custody.

sons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any publick employment, or any office, station, or capacity, either civil or military, either in or out of this kingdom, and who under and by virtue or in pursuance of any Act or Acts of Parliament, law or laws, or lawful authority within this kingdom, or any Act or Acts, statute or statutes, ordinance or ordinances, or law or laws, or lawful authority in any plantation, island, colony, or foreign possession of his Majesty, now have or may hereafter have by virtue of any such publick employment, or such office, station, or capacity, power or authority to commit persons to safe custody; and all such persons, having such power or authority as aforesaid, shall have and be entitled to all the privileges, benefits, and advantages given by the provisions of the said Act as fully and effectually, to all intents and purposes, as if they had been specially named therein: Provided always, that where any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought against any such person as is in this Act described as aforesaid, in this kingdom, for or upon any act, matter, or thing done out of this kingdom, it shall be lawful for the plaintiff bringing the same to lay such act, matter, or thing, to have been done in Westminster, or in any county where the person against whom any such action, bill, plaint, or suit, shall be brought shall then reside, any thing in this Act to the contrary thereof notwithstanding.

Where any action shall be brought for any thing done out of this kingdom, it may be laid in Westminster, or in any county where the defendant shall reside.

CHAPTER XC.

AN ACT for amending the Laws relating to the Militia in England, and for augmenting the Militia. [26th June 1802.]

WHEREAS a respectable military force, under the command of officers possessing landed property within Great Britain, is essential to the constitution, and the militia, as by law established, through its constant readiness on short notice for effectual service, has been found of the utmost importance to the internal defence of this realm: And whereas it is necessary, for the better fulfilling the purposes of the institution of the militia, that the numbers thereof to be raised and kept in constant readiness for effectual service within Great Britain should be augmented: And whereas the laws now in force for regulating the militia require amendment, and it is expedient that many of the provisions contained in the several Acts relating to the same should be repealed, and others of them continued and amended, and that new provisions should be made, and it would greatly tend to the better execution thereof if the whole of the said provisions were comprised in one Act of Parliament: . . . . . .

His Majesty shall appoint lieutenants of counties, who shall call out the militia yearly, and appoint deputy lieutenants and also officers.

[III.[a]] AND be it further enacted, that his Majesty may and shall, from time to time, constitute and appoint lieutenants for the counties, ridings, and places herein-after mentioned, and the several lieutenants so appointed shall have full power and authority, and are hereby required, to call together, arm, array, and cause to be trained and exercised, such persons and in such manner as is herein-after directed, once in every year; and the said lieutenants severally shall from time to time constitute and appoint such persons as they

[a] Rep., so far as relates to the qualifications of officers of the militia, Stat. Law Rev. Act, 1872.]

shall think fit, being qualified as herein-after is directed, and living within their respective counties, ridings, and places, to be their deputy lieutenants (the names of such persons having been first presented to and approved by his Majesty), and shall also appoint a proper number of colonels, lieutenant colonels, majors, and other officers, qualified as herein-after directed, to train, discipline, and command the persons to be so armed and arrayed according to the rules, orders, and directions herein-after mentioned . . . . . and the officers so appointed for the militia, to be armed and arrayed as herein-after directed, shall rank with the officers of his Majesty's regular forces as youngest of their rank.

Rank of officers.

III. AND be it further enacted, that when the lieutenant of any county, riding, or place, shall be out of the kingdom of Great Britain, or when there shall be no lieutenant, it shall be lawful for his Majesty to authorize any three deputy lieutenants of such county, riding, or place, to grant commissions to officers to serve in the militia for such county, riding, or place, upon any vacancy that shall then happen, in such manner as such lieutenant could do, and to do all other acts, matters, and things, which might lawfully have been done by the said lieutenant; and the same shall be good and valid in the law, as if done by the said lieutenant himself.

Three deputy lieutenants may be authorized by his Majesty to act when the lieutenant shall be out of the kingdom, or where there shall be none.

[IV.[a] AND be it further enacted, that no commission of any deputy lieutenant, nor any commission of any officer in the militia, already granted or to be granted by any lieutenant or deputy lieutenants, shall be vacated by reason of the revocation, expiration, or discontinuance of the commission by which any such lieutenant or deputy lieutenants as aforesaid was or were appointed.

Commissions not to be vacated by the revocation of the power of the grantor.

V. AND be it further enacted, that the lieutenant of every county, riding, or place, shall have the chief command of the militia within the county, riding, or place, to which he is appointed; and that twenty deputy lieutenants at the least shall be appointed within every county, riding, and place, if so many can be found qualified as herein-after directed; but if such number of persons so qualified cannot be found within any such county, riding, or place, then as many persons so qualified as can be found within such county, riding, or place shall be appointed to be deputy lieutenants for the purposes of this Act.

Lieutenant to have the chief command of the militia of the county, and a certain number of deputy lieutenants to be appointed.

[VI.[b] AND be it further enacted, that all persons to be appointed deputy lieutenants or officers of the militia in pursuance of this Act (except within the counties of Cumberland, Huntingdon, Monmouth, Westmorland, and Rutland, the Isle of Ely in the county of Cambridge, the several counties and places within the dominion of Wales, and such cities and towns as are counties within themselves) shall be qualified as follows; (that is to say), every person so to be appointed a deputy lieutenant, shall be seised or possessed either in law or equity, for his own use and benefit in possession, of a freehold, copyhold, or customary estate for life, or for the life of his wife,

Qualifications of deputy lieutenants in England, except for certain places.

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[a] Rep., so far as relates to commissions of officers in the militia, Stat. Law Rev. Act, 1872.]

[b] Rep., so far as relates to the qualifications of officers of the militia, and to the counties, ridings, or places in which estates required as qualifications for deputy lieutenants are to be situate or arising, Stat. Law Rev. Act, 1872.]

she having a freehold, copyhold, or customary estate for her life, or for some greater estate, or of an estate for some long term of years determinable on one or more life or lives, in manors, messuages, lands, tenements, or hereditaments, in England, Wales, or the town of Berwick-upon-Tweed, of the yearly value of two hundred pounds, or shall be heir apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of four hundred pounds; . . . . . .

Qualifications of deputy lieutenants in Cumberland, &c. and in Wales.

[VII.[a]] AND be it further enacted, that the estates requisite for the qualification of the deputy lieutenants and officers of the militia, within the counties of Cumberland, Huntingdon, Monmouth, Westmorland, and Rutland, and within every county and place in the dominion of Wales, shall be as follows; (that is to say), a deputy lieutenant shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of one hundred and fifty pounds, or shall be heir apparent to a person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of three hundred pounds; . . . . . .

Qualifications of deputy lieutenants in the Isle of Ely.

[VIII.[a]] AND be it further enacted, that the estates requisite for the qualification of the deputy lieutenants and officers of the militia in the Isle of Ely, shall be as follows; a deputy lieutenant shall be in like manner seised or possessed of a like estate as aforesaid of the yearly value of one hundred and fifty pounds, or shall be heir apparent of some person who shall be in like manner seised or possessed of a like estate as aforesaid of the yearly value of three hundred pounds; . . . . . .

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The reversion on leases for lives of 300*l.* per ann. to be deemed equal to a qualification of 100*l.* per ann. in possession, and so proportionally.

[X.[a]] PROVIDED always, and be it further enacted, that the immediate reversion or remainder of and in manors, messuages, lands, tenements, or hereditaments, which are leased for one life, or for two or three lives, or for any term of years determinable upon the death of one life, or of two or three lives, on reserved rents, and which are to the lessee or lessees of the clear yearly value of three hundred pounds, shall be deemed equal to an estate herein-before required as a qualification of the yearly value of one hundred pounds, and so in proportion to the several other qualifications required by this Act.

Estates held for terms of 20 years or more, of an annual value equal to the value of freehold, &c. estates required for qualifications, shall be sufficient.

[XI.[a]] AND be it further enacted, that a person possessed in law or equity, for his own use and benefit in possession, of an estate for a certain term originally granted for twenty years or more, of an annual value (over and above all rents and charges payable out of or in respect of the same) equal to the value of such an estate as is required for the qualification of a deputy lieutenant and a commissioned officer of the militia respectively, and situate as aforesaid, shall be and is hereby deemed and declared to be sufficiently qualified to act in the execution of this Act.

No deputy lieutenant to be appointed till a description of his qualification be de-

[XII.[a]] AND be it further enacted, that no person shall hereafter be appointed to be deputy lieutenant of any county, riding, or place, or be appointed to a higher rank in the militia than that of lieutenant, until he shall have delivered in to the clerk of the peace of the county, riding, or place for which

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[a] Rep., so far as relates to the qualifications of officers of the militia, and to the counties, ridings, or places in which estates required as qualifications for deputy lieutenants are to be situate or arising, Stat. Law Rev. Act, 1872.]

he shall be appointed, or (in the absence of the clerk of the peace) to his deputy, a specific description in writing, signed by himself, of his qualification, stating the parish or parishes in which the estate or estates which form his qualification is or are situate; and the clerk of the peace or his deputy shall transmit to the lieutenant of the county, riding, or place a copy of such description; and no commission granted after the passing of this Act for a higher rank in the militia than that of lieutenant shall be valid, unless it be declared in the commission that the officer to whom the commission is given hath delivered in his qualification as above directed.

livered to the clerk of the peace, who shall transmit a copy to the lieutenant.

[XIII.[a]] AND be it further enacted, that the clerk of the peace of every county, riding, and place, shall and he is hereby required to enter the qualifications transmitted to him, according to the directions of this Act, upon a roll to be provided and kept for that purpose, and to cause to be inserted in the London Gazette the dates of the commissions, and names and rank of the officers, together with the names of the officers in whose room they are appointed, in like manner as commissions in the army are published from the War Office; and he is hereby authorized to charge the expence of such insertion in the Gazette for each commission to the treasurer of the county, riding, or place, who is hereby directed to pay the same; and the said clerk of the peace or his deputy shall, in the month of January in every year, transmit to one of his Majesty's principal secretaries of state a complete account of the qualifications so left with him, and the secretary of state receiving such accounts shall cause copies thereof to be annually laid before both Houses of Parliament;

Clerk of the peace to enter qualifications upon a roll, and to insert in the London Gazette dates of commissions, &c., and to transmit every January to the secretary of state an account of qualifications to be laid before Parliament.

. . . . . .

[XIV.[a]] AND be it further enacted, that if any person shall execute any of the powers hereby directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is herein-before required, every such person shall forfeit and pay the sum of two hundred pounds; and if any person shall execute any of the powers hereby directed to be executed by captains, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is herein-before required, every such person shall forfeit and pay the sum of one hundred pounds; one moiety whereof shall go to the use of the person who shall sue for the same; and in every action, suit, or information, brought against any person for acting as deputy lieutenant, colonel, lieutenant colonel, major, or captain, not being qualified as herein-before directed, the proof of his qualification shall lie upon the person against whom the same is brought: Provided always, that nothing in this Act contained shall restrain or prevent any peer of the realm, or heir apparent of any such peer, from being appointed or acting as a deputy lieutenant, or a commissioned officer in the militia, within the county, riding, or place, wherein such peer, or heir apparent of such peer, shall have some place of residence, although he may not have the qualification herein-before required; or to oblige any peer of this realm, or heir apparent of such peer, who shall be appointed a deputy lieutenant or

Penalty on persons acting who are unqualified, or who have not delivered in their qualifications.

Peers, or their heirs apparent, may act, though not possessed of qualifications.

[a] Rep., so far as relates to the qualifications of officers of the militia, and to the counties, ridings, or places in which estates required as qualifications for deputy lieutenants are to be situate or arising, Stat. Law Rev. Act, 1872.]

commissioned officer as aforesaid, to leave with the clerk of the peace for the county, riding, or place, for which he shall be appointed, any qualification in writing as aforesaid.

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His Majesty may direct lieutenants to displace deputy lieutenants or officers.

[XVII.[a] AND be it further enacted, that his Majesty, his heirs and successors, may from time to time, as he and they shall think fit, signify his and their pleasure to his and their lieutenant of any county, riding, or place, to displace all or any deputy lieutenants and officers in the militia, and thereupon his Majesty's respective lieutenants shall forthwith displace such deputy lieutenants or officers, and appoint others within the same county, riding, or place, with the like qualifications, and under and subject to the like provisions and restrictions, to serve in their stead.

Lieutenants and deputy lieutenants to appoint clerks of their meetings.

XVIII. AND be it further enacted, that the lieutenant of every county, riding, and place, shall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk if he shall think fit, and appoint another in his room; and the deputy lieutenants within their respective subdivisions, or the major part of those present at any subdivision meeting, shall also from time to time appoint a clerk for their subdivisions, and may displace such clerk if they, or the major part of them, shall think fit, and appoint another in his room.

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Regulations for holding general meetings of lieutenancy.

XXI. AND be it further enacted, that general meetings of the lieutenancy of every county, riding, and place, shall be holden in some principal town of every such county, riding, and place, and such general meetings shall consist of the lieutenant, together with two deputy lieutenants at the least, or on the death or removal or in the absence of the lieutenant, then of three deputy lieutenants at the least, of every county, riding, and place respectively; and one such general meeting shall be holden within every county, riding, and place annually, upon the last Tuesday which shall happen before the tenth day of October in every year, or earlier if occasion shall require; and the lieutenant, together with any two deputy lieutenants, or (on the death or removal or in the absence of the lieutenant), any three deputy lieutenants of any county, riding, or place, when and as often as they shall find necessary for carrying the purposes of this Act duly and fully into execution, may summon or cause to be summoned other general meetings of the lieutenancy, on any days to be fixed by such summons; . . . . . and in case any annual or other general meeting shall not be attended by the lieutenant and two deputy lieutenants, or by three deputy lieutenants, as herein-before required, the lieutenant or any one deputy lieutenant, who shall attend at such meeting, shall and may adjourn the same to any other time and to any place within such county, riding, or place; and in case no deputy lieutenant shall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, shall adjourn such meeting to any other time, to be holden at the same place.

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[a] Rep., so far as relates to the qualifications of officers of the militia, and to the counties, ridings, or places in which estates required as qualifications for deputy lieutenants are to be situate or arising, Stat. Law Rev. Act, 1872.]

Subdivision meetings to consist of two deputy lieutenants at the least, or one deputy and a justice of the peace.

XXII. AND be it further enacted, that meetings of the deputy lieutenants, within the subdivisions of their respective counties, ridings, and places, shall be holden as herein-after directed, which subdivision meetings shall consist of two deputy lieutenants at the least: Provided always, that at any subdivision meeting appointed according to the directions of this Act, where two deputy lieutenants do not attend, it shall be lawful for any one deputy lieutenant, together with any one justice of the peace of the county, riding, or place, within which such subdivision lies, to do all acts, matters, and things which are by this Act directed to be done by deputy lieutenants at their respective subdivision meetings; and all such acts, matters, and things so done by any such deputy lieutenant and justice of the peace shall be as good, valid, and effectual in the law, to all intents and purposes, as if they had been done by two deputy lieutenants of such county, riding, or place, any thing in this Act to the contrary hereof notwithstanding.

Clerk to give notice of subdivision meetings to the deputy lieutenants, and also to the commanding officer, and an account of the days for receiving lists, ballotting and enrolling, &c.

XXIII. AND be it further enacted, that the respective clerks of the subdivision meetings shall, as soon as conveniently may be after any such subdivision meeting shall have been appointed, give notice in writing of the time and place of meeting to such of the deputy lieutenants who shall be resident within such subdivision as he conveniently can, and also to the commanding officer of the regiment, battalion, or corps, if on actual service, or (if not on actual service) to the colonel or other commandant thereof, or (in case of his absence from Great Britain) to the next commanding officer within Great Britain, by notice addressed to the adjutant, and an account of the several days fixed for receiving lists, and for ballotting and for inrolling the militia men within such subdivision; and shall, as soon as the militia men are inrolled, likewise transmit to the colonel or other commandant, or to the commanding officer as aforesaid, in manner aforesaid, a list specifying the names, trades, and usual places of abode, of all such militia men as are inrolled; and where there are substitutes, the names, trades and places of abode of the persons in the room of whom such substitutes were inrolled.

When two deputy lieutenants, or one and a justice, do not attend, another meeting to be appointed by notice from the clerk.

XXIV. AND be it further enacted, that if it shall happen that there shall not appear at any subdivision meeting two deputy lieutenants, or one deputy lieutenant and one justice of the peace, the clerk of such meeting shall, by notice to be given in writing to all the deputy lieutenants within such subdivision, or left at their respective places of abode, appoint another meeting to be held within fourteen days, at the same place where such meeting was to have been holden, such notice being given five days at the least previous to such meeting.

General meeting to appoint subdivision meetings, and to require chief constables, &c. to order a return to be made to the deputy lieutenants of men between the ages of 18 and 45.

XXV. AND be it further enacted, that the lieutenant and deputy lieutenants, or the deputy lieutenants, at every annual or at some other general meeting to be holden as herein-before directed, shall appoint the first meetings of the deputy lieutenants within the several subdivisions of their respective counties, ridings, and places, which said first meetings shall be appointed to be held as early after the tenth day of October in every year as conveniently may be, or at such other time as may be most expedient for carrying the purposes of this Act fully and duly into execution; and the said lieutenant and deputy lieutenants or the said deputy lieutenants may, if they judge needful, appoint the time and place for a second general meeting, and shall issue out their orders to the chief constables, and where there is no chief constable, to some other officer of the several hundreds, rapes, lathes, wapentakes, or other divisions within their respective counties, ridings, and places, requiring every such chief constable or other officer as aforesaid to issue an order under his hand to all constables, tything men, headboroughs or other officers of every parish, tything, or place, within their

respective hundreds, rapes, lathes, wapentakes, or other divisions, to return to the deputy lieutenants within their respective subdivisions at the places and on the days appointed at the first general meeting in every year, fair and true lists in writing, in manner by this Act directed, of the names of all the men usually and at that time dwelling within the respective parishes, tythings, and places, for which they shall respectively act under the provisions and in the execution of this Act, between the ages of eighteen and forty-five years. [Rep., 23 & 24 Vict. c. 120. s. 26.]

Constables, &c. to give notice in the form in the annexed schedule (A), to housekeepers, &c. to produce lists containing certain particulars.

XXVI. AND be it further enacted, that the several constables, tythingmen, headboroughs, and other officers and persons required to return lists of persons fit and liable to serve in the militia, shall, within fourteen days after any such return shall be required, give or leave notice in writing, in the form in the schedule to this Act annexed marked (A), to or for every occupier of every dwelling house where any person shall reside within the limits of the places for which they act as such constables or other officers as aforesaid in the execution of this Act or any of the provisions thereof, at his or her dwelling house, or where such dwelling house shall be divided into different stories or apartments, and occupied distinctly by several persons, then to or for the occupier of each distinct story or apartment, to prepare or produce, within fourteen days next ensuing the day of giving such notice, a list in writing, to the best of his or her belief, of the Christian and surname of each and every man resident in such dwelling house, or distinct story or apartment, between the ages of eighteen and forty-five, distinguishing every person in such dwelling house or distinct story or apartment, of such age as aforesaid, claiming to be exempt from serving in the militia, together with the ground of every such claim of exemption; and every such notice shall mention the day, time, and place appointed for hearing appeals within such subdivision by persons claiming to be exempt from serving in the militia; and every such occupier shall, after such notice so given or left, make out such list, and sign the same with his or her own name, and shall deliver the same or cause the same to be delivered to such constable or other officer or person as aforesaid; and if any occupier shall neglect or refuse to make out, sign, and deliver such list as aforesaid within the time before limited, or shall omit any person who ought to have been included therein in pursuance of this Act, or knowingly make any false return of any particular required therein, every such occupier shall for every such offence forfeit and pay a sum not exceeding the sum of five pounds. [Rep., 23 & 24 Vict. c. 120. s. 26.]

Penalty of 5*l.* for not duly delivering lists, or making false returns.

Occupiers being Quakers to produce certificates acknowledging them to be of that persuasion, and in such cases the constables, &c. to make returns of persons in such houses liable to serve as where returns are not made to notices.

XXVII. AND be it further enacted, that in every case where any notice shall be served upon any occupier being one of the people called Quakers, such occupier shall, within seven days after the service of such notice, produce to the constable or other officer a certificate under the hands of two or more reputable housekeepers, being of the people called Quakers, acknowledging such person to be one of their persuasion; and that in all such cases such constables or other officers are hereby required to make returns of the persons liable to serve in the militia, resident in the houses, stories, or apartments of such occupiers so certified to be of the people called Quakers, in the same manner as is directed by this Act in cases where returns are not made to such notices as aforesaid.

Constables, &c. to make out yearly lists, according to the form in schedule B., of the names of men between the ages of 18 and 45 within their respective districts, distinguishing their rank, occupations, &c., and to affix a copy on the church door, with no-

XXVIII. AND be it further enacted, that the constables, tythingmen, headboroughs, or other officers of every parish, tything, or place shall, within one month after having delivered such notices as aforesaid, make out in every year a fair and true list in writing, according to the form in the schedule to this Act annexed marked B., of the names of all the men usually and at that time dwelling within the respective parishes, tythings, and places, for which they shall respectively act in the execution of the provisions of this Act, between the ages of eighteen and forty-five years, as well of those who have not made any return or been returned in pursuance of such notices as aforesaid, as of those who shall have made such returns or been returned in pursuance thereof, distinguishing their respective ranks and occupations, and those who have made returns to such notices from those who have neglected to make such returns (and where the true names of such persons cannot be procured, the common appellation of such person shall be sufficient), and distinguishing which of the persons so returned labour under any infirmity likely to incapacitate them from serving as militia men, and which of them claim to be exempt from serving in the militia, and on what account,

and shall affix a true copy of every such list on the door of the church or chapel belonging to every such parish, tything, or place, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereto adjoining, some one Sunday morning before they shall make the return to the deputy lieutenants as directed by this Act, which Sunday shall be three days at the least before the meeting of deputy lieutenants at which such return is to be made, and also notice in writing at the bottom of the said copy of such list of the day and hour and place of meeting for hearing appeals under the Act, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterwards received; and shall afterwards make a return of such list as aforesaid, or a true and exact copy thereof, to the deputy lieutenants of the subdivision. [Rep., 23 & 24 Vict. c. 120. s. 26.]

Notice of the meeting for hearing appeals.

Copies of lists to be returned to the deputy lieutenants.

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XXXII. AND be it further enacted, that it shall be lawful for the deputy lieutenants within any subdivision or any two or more of them from time to time to issue their order or warrant under their hands and seals, requiring the attendance of the constable, tythingman, headborough, or other officer of any parish, tything, or place within such subdivision, at such time and place as in such order or warrant shall be expressed; and if any such constable, tythingman, headborough, or other officer shall refuse or neglect to appear according to such order or warrant, or if any chief constable or other officer of any hundred, rape, lathe, wapentake, or other division, or any constable, tythingman, headborough, or other officer of any parish, tything, or place shall refuse or neglect to return any such list as before directed, or to comply with such orders and directions as he shall from time to time receive from the said deputy lieutenants or any two or more of them in pursuance of this Act, or shall, in making such return, be guilty of any fraud or wilful partiality, or gross neglect in his duty, the said deputy lieutenants or any two or more of them are hereby empowered and required to commit the person so offending to the common gaol, there to be kept without bail or mainprize for the space of one month, or, at their discretion, to fine such person in any sum not exceeding twenty pounds, nor less than forty shillings. [Rep., 23 & 24 Vict. c. 120. s. 26.]

Deputy lieutenants may issue orders for the attendance of constables, &c., and if any shall neglect to appear, or if any chief constable, &c. shall neglect to return lists, or shall be guilty of fraud, partiality, or neglect, he shall be committed to gaol, or fined.

XXXIII. PROVIDED always, and be it further enacted, that if any chief or other constable, headborough, tythingman, or overseer shall be of the people called Quakers (and certified to be so by two persons of the people called Quakers), and shall neglect or refuse to perform the duties required by this Act, it shall be lawful for any two justices of the peace acting for the division within which such Quaker shall be such officer as aforesaid, and they are hereby required, in all cases where the circumstances of the case shall in their judgment render it expedient and necessary for the due execution of the provisions of this Act, by their order under their hands and seals to appoint a fit and proper person to be deputy to such Quaker, for the purpose only of carrying this Act into execution; and every person so appointed deputy as aforesaid shall have and exercise all the powers, authorities and jurisdictions given by this Act to such officer for whom he shall so act, and shall do and perform all the like duties and offices under the like pains, penalties and forfeitures as are hereby imposed for neglect of duty of any such officer as aforesaid, in like manner in every respect as the person for whom he shall so act; and where an appointment of any deputy shall be so made, the principal chief constable, headborough, tythingman, or overseer (being one of the people called Quakers) shall be and he is hereby discharged from the performance of any duty required of him by this Act, and from all penalties incurred for neglect thereof after the time of such appointment.

Two justices may appoint deputies to Quakers for carrying this Act into execution.

XXXIV. AND be it further enacted, that it shall be lawful for the deputy lieutenants at their subdivision meetings to add together, whenever they shall think it necessary, any two or more parishes or tythings, or to add any

Two or more places and the lists for them may be added

together, and the constables, &c. shall act together as if they were the officers of the same parish, and shall meet in the parish first named in the order of the deputy lieutenants.

parochial place or places to any parish or parishes, tything or tythings adjoining thereto, for the purposes of this Act; and also to add together the lists of such parishes, tythings, and places aforesaid, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible; and where any parishes, tythings, and places so added together shall lie in different hundreds, rapes, lathes, wapentakes, or other divisions within the same county, riding, or place, to direct in what hundred, rape, lathe, wapentake, or other division the same shall be considered for the purposes of this Act; and the said deputy lieutenants shall proceed upon the lists so added together, in like manner as if they had been originally returned for one parish, or for the parish to which any extra-parochial place shall have been added as aforesaid; and the constables, tythingmen, headboroughs, or other officers of parishes, tythings, and places so added together, shall act together in the execution of this Act as if they were respectively officers of one and the same parish or tything; and all such constables, tythingmen, headboroughs, and officers so as aforesaid acting together by virtue of this Act, shall hold their meetings under this Act in the parish or tything which shall be named first in such order of deputy lieutenants; and if any difference or disagreement shall arise between the officers of any parish, tything, or place, or between the officers of different parishes or tythings, touching the execution of this Act, the deputy lieutenants acting in and for the subdivision where such difference or disagreement shall happen shall at any subdivision meeting and they are hereby authorized to hear and determine the same, and make such order therein for the better execution of this Act as to them shall seem meet; and such orders shall be final and conclusive.

Deputy lieutenants to hear and determine disagreements between parish officers.

Act to extend to extra-parochial places added to parishes, and where no constables or overseers in such places are appointed, the officers of the parish may act.

XXXV. AND be it further enacted, that the several clauses, provisions, regulations, penalties, forfeitures, matters, and things in this Act contained, shall be construed to extend to every extra-parochial place added to any parish or tything for the purposes of this Act, as fully as if the said directions and provisions had severally and respectively been expressly applied to extra-parochial places, and where there shall be any extra-parochial place or other place wherein no constables, tythingmen, headboroughs, or overseers of the poor have been or are appointed, or act, the respective constables, tythingmen, headboroughs, or overseers of the poor of the parish or parishes, or tything or tythings respectively, to which such extra-parochial or other place shall have been added by the deputy lieutenants as aforesaid, may and shall act as constables, tythingmen, headboroughs, or overseers of the poor respectively for such extra-parochial or other place in the execution of this Act, and may and shall do, perform, and execute all such acts, matters, and things therein, relating to the execution of this Act, as fully and amply, and with all such and the like powers in every respect, as if such extra-parochial or other place was within and made part of such parish or tything: Provided always, that if any rate or rates shall be to be made for any parish or parishes, or tything or tythings, and any such extra-parochial or other place jointly, such rate or rates shall be distinctly made for the purpose of this Act, and for no other purpose whatever: Provided also, that every such separate rate shall and may be made, raised, and levied, as well in such extra-parochial or other place, as in any such parish or tything aforesaid, in like manner as any rate made for the relief of the poor.

Rates made for any parish and extra-parochial place jointly shall be distinctly made for the purpose of this Act, and shall be levied as the poor rates.

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XXXVIII. AND be it further enacted, that it shall be lawful for his Majesty's Privy Council, and they are hereby required, on or before the twenty-fifth day of June one thousand eight hundred and five, and afterwards from time to time at the expiration of every succeeding period of ten years as aforesaid, to take into consideration the number of men fit and liable to serve in the militia in each county, riding, and place required by this Act to raise militia, and forthwith to ascertain, settle, and fix the number of militia men who shall for the next succeeding ten years serve for each county, riding, and place aforesaid, as near as may be by the proportion that the number of men fit and liable to serve in each county, riding, and place shall bear to the whole number of militia men by this Act directed to be raised, and shall thereupon transmit the numbers so fixed and settled as aforesaid to the respective lieutenants of the counties, ridings, and places aforesaid, and shall cause notice of the same to be thrice printed in the London Gazette. [Rep., 23 & 24 Vict. c. 120. s. 26.]

The Privy Council, by June 25, 1805, and afterwards every 10 years, shall fix the quota of men to serve for each place, and shall transmit the numbers to the lieutenants, and publish the same in the London Gazette.

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XLI. AND be it further enacted, that the deputy lieutenants assembled at their said second meeting within any subdivision as aforesaid, shall appoint what number of men shall serve for each parish, tything, and place within such subdivision, in proportion to the number last appointed, in the manner herein-before directed, at a general meeting, to serve for each hundred, rape, lathe, wapentake, or other division; and shall appoint another meeting to be holden within three weeks from the day on which such meeting was holden within the same subdivision, and shall issue out an order to the chief constable or other officers of the respective hundreds, rapes, lathes, wapentakes, or other divisions, requiring them to give notice to the constable, tythingman, headborough, or other officer of every parish, tything, or place within their respective hundreds, rapes, lathes, wapentakes, or other divisions, of the number of men so appointed to serve for such parish, tything, or place, and of the time and place of the next subdivision meeting; and the said deputy lieutenants, or any two or more of them, assembled in pursuance of such appointments, shall cause the number of men appointed to serve as aforesaid to be chosen by ballot out of the list returned for every parish, tything, or place aforesaid, and shall appoint another meeting to be holden within three weeks in the same subdivision, and shall issue out an order to the chief constables or other officers of the respective hundreds, rapes, lathes, wapentakes, or other divisions, to direct the constable, tythingman, headborough, or other officer of every parish, tything, or place, to give notice to every man so chosen to serve in the militia to appear at such meeting, which notice shall be given or left at his place of abode at least seven days before such meeting; and such constable, tythingman, headborough, or other officer, shall attend such meeting and make such return upon oath of the days when such notice was served; and every person so chosen by ballot shall upon such notice appear at such meeting, and if on examination found able and fit for the service, and approved of in manner herein-after directed, shall then and there take the following oath; (that is to say),

At the second subdivision meeting, the deputy lieutenants shall appoint the number of men to serve for each parish, &c., and shall order notice to be given thereof, and of the next meeting, and shall cause the number to be ballotted for, &c.

Persons chosen by ballot shall be enrolled to serve for five years, but may produce substitutes, who, if approved, shall be enrolled.

. . . . . .

And every such person shall be then and there enrolled (in a roll to be then and there prepared for that purpose), to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years: Provided always, that if any person so chosen by ballot shall produce for his substitute a man of the same county, riding, or place, or of some adjoining parish or place, whether in the same county or riding or not, able and fit for service, who shall have not more than one child born in wedlock, and who shall be examined and approved in manner herein-after directed, such substitute so produced and approved shall be enrolled to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years, and also for such further time as the militia shall remain embodied, if within the space of five years his Majesty shall order and direct the militia for which such man is enrolled to be drawn out and embodied as herein-after provided; and such substitute shall take the following oath:

. . . . . .

And any person so chosen by ballot, for whom such substitute shall have been so produced, approved, enrolled and sworn as aforesaid, shall be exempt from service in the militia in the same manner as if he himself had served according to the directions of this Act. [So much of this Act as prescribes the form of oath to be taken by persons ballotted, and by substitutes raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.

This section, except so much as prescribes the form of oath to be taken by men raised by ballot, is rep., 23 & 24 Vict. c. 120. s. 26.]

Volunteers may be received with the consent of the inhabitants of any place, and a rate established for paying them bounties, not exceeding 6*l.* each.

[XLII.[a] AND be it further enacted, that if the churchwardens or overseers of the poor of any parish, tything, or place, shall, with the consent of the inhabitants taken at a vestry or at any other meeting to be holden for that purpose, for the calling of which vestry or meeting three days publick notice shall be given, specifying the cause of calling such vestry or meeting, provide and produce to the said deputy lieutenants, or any two or more of them, at any subdivision meeting for choosing the militia men by ballot, any volunteer or volunteers, who shall be examined and approved as is herein-after mentioned, such volunteer or volunteers so examined and approved shall be then and there sworn in and enrolled to serve for such term, and on the same conditions, as is herein-before provided in case of substitutes produced by persons chosen by ballot; and the said deputy lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish, tything, or place, as shall be then wanted to make up the whole number to serve for such parish, tything, or place; and if any such churchwardens or overseers shall give to such volunteer or volunteers any sum or sums of money, not exceeding six pounds each, to serve in the militia for such parish, tything, or place, it shall be lawful for such churchwardens or overseers to make a rate upon the inhabitants of such parish, tything, or place, according to the rate then made for the relief of the poor, which rate (being approved by any justice of the peace) it shall be lawful for such churchwardens or overseers to collect, and to reimburse themselves such sum or sums of money as they shall have paid to such volunteer or volunteers as aforesaid, and the overplus (if any) shall be applied as part of the poors rate; and if any person shall refuse to pay such rate, it shall be lawful for any justice of the peace, upon complaint thereof made by any such churchwarden or overseer, by warrant under his hand and seal to levy the same by distress and sale of the offenders goods and chattels, returning the overplus (if any) after the said rate and the charges of such distress and sale shall be paid; but no person chosen by ballot who shall have served in the militia either by himself or by substitute according to the directions of this Act or any other Act or Acts, or who shall be then serving himself or by substitute, shall be liable to pay any such rate: Provided always, that if any person shall think himself aggrieved by any such rate as aforesaid, such person may appeal to the next general or quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.

Persons who have served by themselves or substitutes not liable to the rate.

Appeal against rate.

Certain persons exempt from service.

XLIII. AND be it further enacted, that no peer of this realm, nor any person being a commissioned officer in his Majesty's other forces or in any one of his Majesty's castles or forts, nor any officer on the half pay of the navy, army, or marines, nor any non-commissioned officer or private man serving in any of his Majesty's other forces, nor any commissioned officer serving or who has served four years in the militia, nor any person being a resident member of either of the universities, nor any clergyman, nor any teachers licensed within the county, riding, or place to teach in some separate congregation, whose place of meeting shall have been duly registered within twelve months previous to the general meeting appointed to meet in October for the purposes of this Act [Rep., Stat. Law Rev. Act,

[a] So much of this Act as prescribes the form of oath to be taken by volunteers raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.]

1872.[, nor any constable or other peace officer, nor any articled clerk, apprentice, seaman, or seafaring man, nor any person mustered, trained, or doing duty or employed in any of his Majesty's docks or dock yards for the service thereof, or employed and mustered in his Majesty's service in the Tower of London, Woolwich Warren, the several gun wharfs at Portsmouth, or at the several powder mills, powder magazines, or other storehouses belonging to his Majesty, under the direction of the board of ordnance, nor any person being free of the company of watermen of the river Thames, nor any poor man who has more than one child born in wedlock, shall be liable to serve personally or provide a substitute to serve in the militia; and no person having served personally or by substitute according to the directions of any former Act or Acts relating to the militia or under this Act shall be obliged to serve again, until by rotation it shall come to his turn; but no person who has served only as a substitute or volunteer in the militia shall by such service be exempted from serving again, if he shall be chosen by ballot.

Persons who have served not liable to serve again till their turns come, but substitutes or volunteers if chosen by ballot shall serve.

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XLVI. AND be it further enacted, that if the list of any parish, tything, or place shall be lost or destroyed, it shall be lawful for the said deputy lieutenants, or any two or more of them, to cause a new list in such parish, tything, or place to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made and ought to have been returned to them by direction of the general meeting.

New lists shall be made out if any are lost.

XLVII. AND be it further enacted, that every person chosen by ballot to serve in the militia shall be liable to such service, although he may have removed from the place where his name was inserted in the list, provided he was residing in such place at the time when the list was according to the directions of this Act prepared; and every person liable to serve in the militia, having more than one place of residence, shall serve for the county, riding, or place, where his name shall have been first inserted in such list as aforesaid, and the clerk to the subdivision meeting to which such list shall be returned shall, if such person requires the same, grant a certificate gratis under his hand that such person's name was inserted in such list, and specifying the time when such list was made and returned.

Persons chosen shall serve though they remove, and those having more than one residence shall serve where their names were first inserted in the list.

XLVIII. AND be it further enacted, that where any parish shall lie in two or more counties or ridings, the inhabitants of such parish shall serve in the militia of the county or riding wherein the church belonging to such parish is situated; and that such parish shall for all the purposes of this Act be deemed part of such county or riding.

Parish in more than one county to be deemed in county in which the parish church is situate.

XLIX. PROVIDED always, and be it further enacted, that if any two or more deputy lieutenants shall at any of their subdivision meetings receive information or shall suspect that any person whose name is inserted in any list, and described as an apprentice, has been fraudulently bound apprentice in order to avoid serving in the militia, it shall be lawful for them to make inquiry thereof, and to summon such persons as they shall think necessary to appear before them at such time and place as they shall appoint, and to examine such persons upon oath; and in case it shall appear that such binding was fraudulent in order to avoid serving in the militia, it shall be lawful for such deputy lieutenants to appoint such person so fraudulently bound apprentice to serve as a militia man for the parish, tything, or place for which such list

Persons fraudulently bound apprentice shall be liable to serve, and the master shall forfeit 10*l.*

shall have been returned, if there shall be a vacancy, and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

Two deputy lieutenants may provide substitutes for Quakers, and may levy the expences by distress, &c.

[L.[a]] AND be it further enacted, that if any person being one of the people called Quakers shall be chosen by ballot to serve in the militia, and shall refuse or neglect to appear and to take the oath and serve in the militia, or to provide a substitute of the same county, riding, or place, or of some adjoining parish or place, to be examined and approved as herein-after directed, who shall take the said oath and subscribe his consent to serve as the substitute of such Quaker, then and in every such case any two or more deputy lieutenants shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person of the same county, riding, or place, or of some adjoining parish or place, to serve as a substitute for such Quaker; and such substitute shall, after being duly examined and approved, take the said oath and subscribe his consent to serve in the militia, for the same term and on the same conditions as is herein-before directed in the case of substitutes produced by persons chosen by ballot; and any two or more deputy lieutenants may and are hereby authorized, by warrant under their hands and seals, to levy by distress and sale of the goods and chattels of such Quaker such sum of money as shall be necessary to defray the expence of providing and hiring such substitute, rendering to such Quaker the overplus (if any) after deducting the charges of such distress and sale; . . . . . and in case any measures shall be used in making distress as aforesaid which may be by any such Quaker thought oppressive, it shall be lawful for such Quaker to complain to the deputy lieutenants at their next meeting, who are hereby empowered and required to hear and finally determine the same.

Quakers may complain to the deputy lieutenants.

Justices may order payment of costs for levying by distress, where Quakers refuse to pay the rates for providing volunteers.

LI. AND be it further enacted, that where any rate shall have been made for the providing of volunteers according to the directions of this Act, and the churchwardens and overseers shall make complaint to a justice of the peace, that any Quaker or Quakers had refused to pay the sum or sums of money he or they shall be rated at, such justice shall order such costs and charges to be paid for levying such distress as he shall think reasonable, not exceeding ten shillings on each of the said Quakers where there are no more than two, and where there are a greater number than two, not exceeding five shillings on each of the said Quakers: Provided always, that no man shall be deemed, taken and accepted to be a Quaker within the meaning of this Act, unless he shall produce before the deputy lieutenants at some of their subdivision meetings a certificate under the hands of two or more reputable housekeepers, being of the people called Quakers, resident within the said county, riding, or place, and dated within the three months immediately preceding the day on which it shall be produced as aforesaid, acknowledging such man to be one of their persuasion.

No person to be deemed a Quaker, unless he shall produce a certificate of his being of that persuasion.

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Deputy lieutenants to class the men en-

LIV. AND be it further enacted, that the deputy lieutenants in their several subdivisions shall, as soon as they shall have enrolled the number of

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[a] So much of this Act as prescribes the form of oath to be taken by substitutes raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.

men required in their subdivision, divide the men so enrolled into as many classes of the description herein-after mentioned as shall be found among such men; that is to say, in the first class they shall put all the men under thirty years of age and having no child or children living; and in the second class all the men above thirty years of age having no child or children living; and in the third class all the men not having any child or children living under the age of fourteen years; and in the fourth class, all the men having any child or children, one of whom only shall be under the age of fourteen years; and in the last class, all the men not included in any of the former descriptions; and shall forthwith make out a list of such classes, according to the form in the schedule to this Act annexed marked (E.); and within three days after the completing thereof, the clerk of such subdivision meeting shall transmit to the clerk to the general meetings an exact and true copy of such list, made out in such form as aforesaid, to be by him entered in a book to be kept for that purpose.

rolled, and make out a list in the form in schedule (E.), a copy of which the clerk of the subdivision shall transmit to the clerk to the general meetings to be entered in a book.

LV. AND be it further enacted, that whenever any militia man after having been sworn and enrolled shall become unfit for service, it shall be lawful for the colonel or other commandant of the regiment, battalion, or corps, to which such militia man shall belong, together with any two or more deputy lieutenants of the county, riding or place to which such regiment, battalion, or corps belongs, if the said regiment, battalion, or corps shall then be within the said county, riding, or place, or for the colonel or other commandant only, if the said regiment, battalion, or corps shall be absent therefrom, to discharge such militia man from his regiment, battalion, or corps; but another man shall not be balloted for in the room of such militia man so discharged, until such discharge shall be confirmed under the hands of two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or corps belongs, assembled at any meeting in the subdivision for which such militia man was enrolled, or at any general meeting for the county, riding, or place as aforesaid.

Men becoming unfit to serve may be discharged, but the discharge, if made by the commanding officer only, must be confirmed by two deputy lieutenants before others are balloted for.

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LVII. AND be it further enacted, that whenever any private militia man shall be appointed a non-commissioned officer or drummer in any regiment, battalion, or corps of militia, in the room of any non-commissioned officer or drummer reduced to the ranks, no ballot shall take place in the parish or place for which such private man so appointed was then serving in consequence of any vacancy occasioned by such appointment, until the non-commissioned officer or drummer so reduced shall have obtained his discharge.

No ballot to replace a private appointed a non-commissioned officer, &c. in the room of one reduced to the ranks, until discharge of the latter.

LVIII. AND be it further enacted, that where in any regiment, battalion or corps of militia, in which any private man shall be appointed a serjeant, corporal, or drummer, in consequence of any vacancy occasioned by the death or discharge of any non-commissioned officer or drummer, the parish or place for which such private militia man was then serving shall find and provide another man in his stead, it shall be lawful for any two deputy lieutenants acting for the subdivision wherein such parish or place shall be situate to certify the same to the justices of the peace assembled at the next general or quarter sessions of the peace held for the same county, riding, or place, and the said justices shall at such sessions order a sum of money, not exceeding the average price paid for a substitute or volunteer in such parish or place, or any adjoining parish or place, to be paid out of the county rates to the

Where a man is provided in the room of one appointed a serjeant, &c., the quarter sessions may order a sum to be paid out of the county rates in aid of the poors rates of the place.

churchwardens and overseers of the poor of the parish or place which shall find and provide another man as aforesaid, whether such man shall serve personally or by substitute; and to be applied in aid of the poors rates in such parish or place.

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The enrolment of servants shall not vacate their contracts with their masters, unless the militia shall be embodied, &c.;

LXI. AND be it further enacted, that if any servant whatever, hired by the year or otherwise, shall be enrolled as a militia man by virtue of this Act, such inrolment shall not vacate or rescind the contract or alter the engagement between such servant and his master or mistress, or employer or employers, unless the militia of the county, riding, or place for which such servant shall be enrolled shall be embodied or called out by his Majesty, or ordered so to be in pursuance of this Act, or unless such person so enrolled shall leave the service of his master, mistress, or employer or employers, for the purpose of being trained and exercised, for the space of twenty-one days, in pursuance of this Act, and shall not return again to the same service at the end of such twenty-one days, or as soon after as reasonably may be, allowing to his master, mistress, or employer or employers, an abatement from his wages in proportion to the duration of his absence from his said service, to be settled by a justice of the peace in the manner herein-after mentioned; and in every such case, where any dispute shall arise between such servant and his master or mistress, or employer or employers, touching any sum or sums of money due to such servant for or on account of his service performed before the time of his departure from service under the conditions of the said inrolment, or by being called out to join the militia in which he shall have been so enrolled, or touching any abatement to be made by such servant by reason of his absence for the purpose of being trained and exercised, it shall and may be lawful, on complaint made thereof to any justice of the peace for the county, riding, city, liberty, town corporate, or place, where such master or mistress, or employer or employers shall inhabit, for such justice to hear and determine every such complaint, and to examine upon oath every such servant or any other witness or witnesses touching the same, and to make such order for the payment of so much wages to such servant in proportion to the service he has performed, or such abatement from his wages in proportion to the duration of his absence from his service, as the case may require and as to such justice shall seem just and reasonable, provided the sum in question do not exceed the sum of twenty pounds; and in case of refusal or non-payment of any sums so ordered to be paid by the space of twenty-one days next after such determination, such justice may and shall issue forth his warrant to levy the same by distress and sale of the goods and chattels of such master or mistress, or employer or employers, rendering the overplus to the owner or owners after payment of the charges of such distress and sale.

but wages shall be abated for absence;

and if any dispute shall arise touching wages under 20*l.* a justice may settle it, and may grant a warrant for levying by distress the money ordered to be paid if not paid.

Substitutes or volunteers receiving bounty, who do not appear to be sworn, shall return the bounty, and be liable to penalty.

LXII. AND be it further enacted, that every person who shall receive money from any other person to serve as his substitute in the militia, or from any churchwardens or overseers of the poor to serve as a volunteer as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing in the militia men, or before some one deputy lieutenant, in order to be sworn according to the directions of this Act, being convicted thereof before any deputy lieutenant or justice of the peace, shall be obliged to return the money to the person or persons from whom he received it, and shall forfeit and pay

to such person or persons any sum not exceeding forty shillings nor less than twenty shillings, at the discretion of the deputy lieutenant or justice of the peace before whom he shall be so convicted; and if such offender shall not immediately return the money so by him received as aforesaid, and likewise pay the said penalty, he shall be committed to the common gaol or house of correction for fourteen days, or until the said sum shall be returned.

Two deputy lieutenants or a justice may order the money agreed to be given to a substitute or volunteer, to be paid him on enrolment when the militia is not embodied, and, when it is embodied, may order one half to be paid to him, and the other to the clerk of the subdivision, to be remitted to the paymaster and paid to the man on joining and being approved; and if he shall not join or be approved, the money shall be paid to the person provided in lieu of him.

LXIII. AND be it further enacted, that if any person chosen by ballot to serve in the militia shall have engaged any other person to serve as his substitute, or if any churchwardens or overseers of the poor shall have engaged any person to serve as a volunteer as aforesaid, and the person so chosen by ballot or such churchwardens or overseers shall have agreed to pay to the person so engaged a certain sum for such service, it shall be lawful for two deputy lieutenants or any one justice of the peace, when the militia of the county, riding, or place for which such substitute or volunteer shall be enrolled shall not be embodied, and they and he are and is hereby required, after such substitute or volunteer has been examined by a surgeon and approved according to the directions of this Act, and enrolled by the deputy lieutenants in pursuance thereof, to order such sum of money as shall appear to them or him to be due to the substitute or volunteer so engaged to be immediately paid to him on such enrolment by the person or persons by or for whom he shall be engaged to serve as aforesaid; and in every case where the militia shall be embodied at the time of such enrolment, it shall be lawful for the said deputy lieutenants or justice to direct any sum not exceeding one half part of the said sum of money so engaged to be given as aforesaid to be paid to him forthwith, or to be advanced to such person, or to such of his family, and in such proportions, as he shall request at the time of such his enrolment, and the remaining part thereof to be paid to and received by the clerk of the subdivision meeting, who shall thereupon forthwith remit the same to the paymaster or battalion clerk of the regiment, battalion, or corps of militia to which such substitute or volunteer shall be sent as a militia man, to be retained by him until such substitute or volunteer shall have joined such regiment, battalion, or corps, and been approved at head quarters as fit to serve, and then to be paid or accounted for to such substitute or volunteer; and if he shall not join or be approved of, then such money shall remain in the hands of such paymaster, to be afterwards applied in like manner to the payment of some other substitute or volunteer in lieu of the one for whom such money shall have been remitted as aforesaid; and such deputy lieutenants or justice shall proceed therein for enforcing the payment of every such sum of money, in such and the like manner in every respect, and by all such and the like powers and authorities, as is and are directed by and contained in an Act of the twentieth year of the reign of his late Majesty, for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulating of such servants, and of certain apprentices; and if any such subdivision clerk shall omit or neglect to remit such money within one week after the same shall have been paid to him as aforesaid, such clerk shall forfeit and pay for every such offence the sum of twenty pounds.

The payment of such money may be enforced according to 20 Geo. 2. c. 19.

Clerk not duly remitting the money to forfeit 20*l.*

Enlistment of a militia man into the other forces shall be

LXIV. AND be it further enacted, that in case any officer, serjeant or other person shall at any time wilfully and knowingly enlist any man to serve in his Majesty's other forces, who at the time of such enlisting shall be enrolled

void, and any man so offering to enlist, denying that he is serving in the militia, or offering to serve in any other regiment of militia, shall be imprisoned not exceeding six months, and at the end of his engagement in the militia shall serve in any regiment into which he shall have enlisted.

or engaged to serve in the militia, every such enlisting shall be deemed null and void; and in case any militia man at the time of offering to enlist as aforesaid shall deny to the officer, serjeant, or other person recruiting for men to enlist and serve in his Majesty's other forces, that he is (at the time of his offering to enlist) a militia man then actually enrolled and engaged to serve (which the said officer, serjeant, or other person is hereby required to ask every man offering to enlist in his Majesty's other forces), or shall offer himself to be enrolled and serve in any other regiment, battalion, or corps of militia, every militia man so offending shall, on conviction thereof upon the oath of one witness before any one justice of the peace, be committed to the common gaol or house of correction, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong as a soldier to the corps of his Majesty's other forces into which he shall have been so enlisted; and if any officer or other person shall enlist any man belonging to the militia to serve in his Majesty's other forces, knowing him to belong to the militia, or without asking him if he belongs to the militia, every such officer, serjeant, or other person shall for every such offence forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be enrolled as a substitute in the militia, every person so offending shall forfeit and pay to the person informing of such offence the sum of ten pounds, or be committed to the common gaol or house of correction for any time not exceeding three months.

Persons so enlisting militia men to forfeit 20*l.*

Soldiers, &c. offering to serve as substitutes in the militia to forfeit 10*l.* or be imprisoned not exceeding three months.

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Penalties for refusing to serve or to find substitutes shall be applied in providing them.

LXVI. AND be it further enacted, that the money arising by penalties incurred for refusing to serve in the militia or to find substitutes to serve in their room shall be applied by any two or more deputy lieutenants within their respective subdivisions in providing substitutes for the persons who have paid such penalties, which substitutes shall be examined, approved, sworn in and enrolled to serve for the same term, in the same manner, and on the same conditions as is herein-before provided in the case of substitutes provided by persons chosen by ballot; and if any surplus shall remain, the same shall be paid to the colonels or other commandants of the respective regiments, battalions or corps in which such persons ought to have served as militia men, and be applied as part of the regimental stock; and the return of the amount of such penalties, with the names of persons paying the same, shall be transmitted by the clerks of the subdivision meetings to the clerks of the general meetings.

Surplus shall be a part of the regimental stock.

A return of penalties and the persons paying them to be transmitted to the clerks of the general meetings.

Lieutenants, deputy lieutenants, and justices authorized to administer oaths.

LXVII. AND be it further enacted, that in all cases in the execution of this Act, when any matter or thing is directed to be enquired of or examined into upon the oath of any witness or witnesses, before any lieutenant of any county, or any deputy lieutenant or lieutenants, or justice or justices of the peace, any such lieutenant, deputy lieutenant or lieutenants, or justice or justices of the peace, is or are hereby authorized to administer such oath to any witness or witnesses; and that all other oaths to be taken in pursuance of this Act shall and may be respectively administered by any lieutenant or deputy lieutenant.

How the regiments of militia shall be formed and officered.

LXVIII. AND be it further enacted, that the militia of the several counties, ridings and places aforesaid shall be formed into companies, which shall not consist of more than one hundred and twenty, nor of less than sixty private men, and that to each of such companies there shall be one captain, and one lieutenant, and one ensign; and that where the number of men raised for any county, riding, or place is sufficient, the militia thereof shall be formed into one or more regiments, consisting of not more than twelve nor of less than eight such companies; and where the number of men raised in any county, riding or place is not sufficient to form a regiment, the militia thereof shall be formed into a battalion, consisting of not more than seven nor of less than four such companies; and where the number of men raised in any county, riding, or place is not sufficient to form a battalion of four such companies, the militia thereof shall be formed into a corps, consisting of not less than three such companies; and that the field officers of such regiments, battalions and corps respectively shall in no case exceed the respective numbers and ranks following; (that is to say), in every regiment consisting of not less than eight hundred private men, one colonel, one lieutenant colonel, and two majors; in every regiment or battalion consisting of not less than four hundred and eighty private men, one colonel, one lieutenant colonel, and one major; and in every battalion consisting of less than four hundred and eighty private men, one lieutenant colonel and one major; and in every corps consisting of three companies, one lieutenant colonel or major, and no other field officer: Provided always, that no colonel or field officer in the militia shall be a captain of a company: Provided also, that every battalion consisting of five companies or upwards may have one company of grenadiers or light infantry, to which two lieutenants shall be appointed instead of one lieutenant and one ensign; and that every regiment may have one company of grenadiers and one company of light infantry, to each of which companies two lieutenants shall be appointed instead of one lieutenant and one ensign: Provided also, that to every company consisting of ninety private men and upwards there may be two lieutenants and one ensign, or three lieutenants, as the case may be.

His Majesty may direct supernumerary officers to be appointed to men trained to the service of artillery.

LXIX. PROVIDED always, that if his Majesty shall at any time direct that any proportion of the said militia shall be trained and exercised to the service of any artillery that may be attached to any regiment or battalion, it shall and may be lawful for his Majesty to direct that a supernumerary officer or officers of the said regiment or battalion of such rank as his Majesty shall order, and being duly qualified as aforesaid, shall be appointed to and for the said men so directed to be trained and exercised as aforesaid.

How independent companies shall be formed, which his Majesty may order to form a corps, or be incorporated with any other corps.

LXX. AND be it further enacted, that in the several counties, ridings, and places, where the number of militia men shall not be sufficient to form a regiment, battalion, or corps of four companies, according to the intent and meaning of this Act, the militia of such counties, ridings, and places shall be formed into independent companies, each company to consist of one hundred and twenty private men at the most, and sixty private men at the least, with one captain, and one lieutenant, and one ensign, to each company; and that his Majesty may, whenever he thinks proper, order any number of such independent companies of the militia of different counties, ridings, or places, to be joined together to form a regiment, battalion, or corps as aforesaid, or to be incorporated with any other regiment, battalion, or corps of militia: Provided

always, that the number of companies in any such regiment, battalion, or corps be not thereby made to exceed the number of companies of which a regiment, battalion or corps of militia is herein-before directed to consist.

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Lieutenant may act as commandant of the militia, when there shall not be any other appointed, but shall only command one corps at once; and shall have the rank of colonel, but shall not have greater pay than the proper commandant would be entitled to.

LXXII. AND be it further enacted, that it shall be lawful for the lieutenant of any county, riding, or place, to act as commandant of any regiment, battalion, or corps of militia for such county, riding, or place, for and during such time as there shall not be any colonel or other commandant appointed to such regiment, battalion or corps; but no such lieutenant shall at any one time act as commandant of more than one body of militia, whether regiment, battalion or corps; and where the lieutenant of any county, riding, or place, shall take the command of any militia of the said county, riding, or place, not being according to the provisions of this Act sufficient to form a regiment or battalion to be commanded by a colonel, such lieutenant shall notwithstanding be entitled to the rank of colonel, unless such militia shall be united with the militia of any other county, riding, or place as aforesaid: Provided always, that no such lieutenant shall, in virtue or by reason of any such command as aforesaid, receive any greater pay than the proper commandant of such corps would be entitled to.

A lieutenant colonel who has been commandant of a battalion for five years while embodied, may have a commission of colonel.

LXXIII. AND be it further enacted, that when a battalion of militia is commanded by a lieutenant colonel, who shall have been commandant of the same for five years or longer while embodied, it shall be lawful for the lieutenant of the county, riding, or place, to which such battalion shall belong, with the approbation of his Majesty, to give to such lieutenant colonel commandant a commission of colonel.

How the militia are to be officered, where the numbers are not sufficient for a regiment.

LXXIV. AND be it further enacted, that in any county, riding, or place, where the number of private men is sufficient to form a battalion of less than four hundred and eighty private men, but not less than three hundred and sixty private men, it shall be lawful for the lieutenant of such county, riding, or place, to appoint three persons, qualified according to the directions of this Act, to serve with the rank of colonel, lieutenant colonel, and major, but with no higher pay than if they were appointed lieutenant colonel, major, and captain respectively; and where the number of private men shall be sufficient to form three companies of sixty private men at the least, but not sufficient to form four companies as aforesaid, it shall be lawful for the said lieutenant to appoint two persons qualified as aforesaid to serve with the rank of lieutenant colonel and major respectively, but that only one of them shall be entitled to any higher pay than that of captain; and where the number of private militia men is not sufficient to form more than two companies of sixty private men at the least, the eldest captain shall serve with the rank of major, but shall only be entitled to the pay of captain.

Militia officers accepting commissions of the same rank in any other regiment to rank in the service according to the dates of vacated commissions.

LXXV. AND be it further enacted, that every officer of any militia regiment, battalion, or corps, being duly qualified, who may have accepted or shall accept a commission or appointment of the same rank in any other militia regiment, battalion, or corps, and shall thereby vacate his former commission, shall continue to rank in the general service according to the date of his commission or appointment of the same rank in the militia, so vacated as aforesaid.

When a commandant shall

LXXVI. AND be it further enacted, that when any colonel or other commandant of any regiment, battalion, or corps of militia shall be absent from

Great Britain, and until he shall return to Great Britain, and shall have notified his arrival to the clerk of the peace of the county, riding, or place to which such regiment, battalion, or corps shall belong, and to the commanding officer and adjutant thereof, it shall be lawful for his Majesty, by warrant under his sign manual, to direct and order that the officer next in command, who shall be residing in Great Britain, shall in all cases act and serve as the commandant of such regiment, battalion, or corps; and all powers and authorities which might have been exercised by such colonel or other commandant so absent as aforesaid, while resident in Great Britain, shall be vested in and exercised by the officer next in command in such regiment, battalion, or corps, who shall be resident in Great Britain; and from and after issuing the said warrant as aforesaid, all matters and things which ought to be transacted and done by any other person or persons with such colonel or other commandant whilst resident in Great Britain, shall be transacted and done during the time aforesaid with such officer so next in command as aforesaid, who shall be residing in Great Britain; and all money directed to be issued or paid to or to the order of such colonel or other commandant for the use of such regiment, battalion, or corps shall be issued and paid to or to the order of such officer next in command as aforesaid; and all acts, matters, and things, done by and with such officer so next in command as aforesaid, during the time aforesaid, which are or shall be authorized or required to be done by or with such colonel or other commandant when in Great Britain, shall be good and valid as if done by or with such colonel or other commandant; and during the absence from Great Britain of the colonel or other commandant of such regiment, battalion or corps, and until he shall return to Great Britain and notify his arrival as aforesaid, the officer next in command in such regiment, battalion, or corps, who shall be residing in Great Britain, shall appoint the regimental or battalion clerk and agent to such regiment, battalion, or corps, in the same manner as such colonel or other commandant might have done, and shall take security from such agent, and shall be and is hereby made subject and liable to make good all deficiencies that may happen from the said agent or from himself upon account of the pay, clothing, or public stock of such regiment, battalion, or corps: Provided always, that such officer so next in command as aforesaid, who shall assume the powers so given to him as aforesaid, in consequence of the absence from Great Britain of his colonel or other commandant, shall, within seven days after he shall assume any such powers, notify the absence from Great Britain of such colonel or other commandant to the lieutenant of the county, riding, or place, and also, when the regiment, battalion, or corps shall be in actual service, to the secretary at war: Provided also, that if any such colonel or other commandant as aforesaid shall have given any orders for cloathing or other necessaries, or for accoutrements, which ought to be provided in due course or in pursuance of any order by proper authority at the time when such order shall be given, for the use of his regiment, battalion, or corps, and if before such orders shall be completed, or after the same shall be completed and before the money shall be issued for the same, such colonel or other commandant shall leave Great Britain, the orders so given by such colonel or other commandant shall nevertheless be completed and the money to be issued in respect thereof shall be paid to the order of such colonel or other commandant, notwithstanding his absence from Great

be absent from Great Britain, his Majesty may direct the officer next in command to act, who shall be vested with the powers of the commandant till the commandant shall return and notify his arrival.

The officer next in command shall, within seven days after assuming the command, notify the absence of the commandant to the lieutenant, and when in actual service to the secretary at war.

Orders given by a commandant for clothing or accoutrements shall be completed, and the money paid to his order,

though he may leave Great Britain; as shall the orders given by the officer next in command during the absence of the commandant, though he may return.

Britain as aforesaid; and in like manner if any officer so next in command as aforesaid shall, in consequence of the absence from Great Britain of his colonel or other commandant, and under the authorities given to him as aforesaid, give any orders for cloathing or other necessaries, or for accoutrements, which ought to be provided in due course or in pursuance of any order by proper authority at the time when such orders shall be given, for the use of his regiment, battalion, or corps, and before such orders shall be completed, or after the same shall be completed and before the money which ought to be issued shall be issued for the same, the colonel or other commandant shall return to Great Britain and notify his arrival as aforesaid, the orders so given by such officer so next in command as aforesaid shall be completed, and the money to be issued in respect thereof shall be paid to the order of such officer, notwithstanding the return of such colonel or other commandant as aforesaid.

His Majesty shall appoint as adjutants officers who have served five years in the army or embodied militia, who, if in the army, shall retain their rank.

LXXVII. AND be it further enacted, that his Majesty may and shall appoint one proper person, who shall have served in some of his Majesty's other forces or in the militia while embodied, for the term of five years at the least, to be an adjutant to each regiment, battalion, and corps of militia; and such adjutant, if appointed out of his Majesty's other forces, shall during his service in the militia preserve his rank in the army in the same manner as if he had continued in that service; and it shall be lawful for the lieutenant of any county, riding, or place, on the recommendation of the colonel or other commandant of any regiment, battalion, or corps of militia, raised within such county, riding, or place, to appoint the adjutant of such regiment, battalion, or corps, to serve with the rank of captain, provided such adjutant shall have served five years in the militia while embodied, or in his Majesty's other forces, ... : Provided always, that no such appointment to the rank of captain shall be valid, unless in the instrument granting the same it be specified in what regiment, battalion, or corps of the militia, while embodied, or of his Majesty's other forces, such adjutant hath served, and what was or were the date or dates of his commission or commissions: Provided also, that no adjutant so appointed to serve with the rank of captain shall by virtue of the date of such appointment as aforesaid or otherwise be entitled to rank above or to command any captain of a company in the militia: Provided also, that no such adjutant shall, by reason of any such appointment as aforesaid, be entitled to receive any greater or other pay than that of adjutant.

Adjutants may have rank as captains, but not above captains of companies, and shall not be entitled to higher pay than that of adjutant.

To corps of not less than two companies of sixty men each, a surgeon may be appointed.

LXXVIII. AND be it further enacted, that in every case where the number of private militia men raised in any county, riding, or place, is sufficient to form a regiment, battalion, or corps of militia, consisting of not less than two companies of sixty private men each at the least, it shall be lawful for the lieutenant of such county, riding, or place, with the approbation of his Majesty, to appoint one fit and proper person, who shall have passed an examination at Surgeon's Hall, and received his certificate accordingly, to be surgeon of such regiment, battalion, or corps; and every such appointment shall recite the certificate of the person so appointed, and an attested copy thereof shall be transmitted to and filed with the clerk of the general meetings; . . . . .

Surgeons, when the militia is embodied, to receive the pay and allowance of surgeons of

. . . . and every such surgeon so appointed as aforesaid shall, during the time of the militia to which he shall belong being embodied, receive the pay and allowance of a surgeon of infantry in his Majesty's other forces, and be subject to the like rules, restrictions, and directions in every respect, as far as

the same may be applicable; and no such surgeon shall be capable of holding any other commission in such militia, or of receiving any pay in respect of any other commission in such militia, during the time of his being such surgeon as aforesaid.

infantry, but not to hold any other commission.

LXXIX. AND be it further enacted, that in every case where the number of private militia men raised in any county, riding, or place, is sufficient to form a regiment or battalion, consisting of not less than three hundred and sixty private men, it shall be lawful for the colonel of such regiment or battalion, with the approbation of his Majesty, to appoint one fit and proper person who has served in his Majesty's other forces, or in the embodied militia, to be the quarter master of any such regiment or battalion respectively; and it shall be lawful for the lieutenant of the county, riding, or place for which such regiment or battalion shall belong, on the recommendation of the colonel thereof, to appoint such quarter master to serve with the rank of lieutenant or ensign, ... : Provided always, that such quarter master shall not be capable of holding any commission or receiving any pay in respect of any commission in any company in the militia, during the time of his being such quarter master as aforesaid.

In corps consisting of not less than 360 privates, a quarter master may be appointed, who shall rank as a subaltern, but shall not hold any commission.

LXXX. AND be it further enacted, that the colonel or other commandant of every regiment, battalion, or corps of militia, consisting of not less than three companies, when such regiment, battalion, or corps is not in actual service, may appoint a regimental or battalion clerk, who shall execute the office of paymaster, but where the number of private men shall not be sufficient to form three companies of sixty private men at the least, no clerk shall be allowed, but the receiver general of the land tax, and all other persons required by this Act to remit or pay any money to any regimental or battalion clerk, in respect of the militia or on behalf of any men serving, shall remit and pay all monies to be paid in respect of such company or companies or on behalf of any man serving therein to the commanding officer thereof, which commanding officer shall account for the same in like manner in every respect as a regimental or battalion clerk.

To corps consisting of not less than three companies a regimental clerk may be appointed to act as paymaster, but the money payable in respect of any smaller corps shall be paid to the commanding officer.

LXXXI. AND be it further enacted, that no adjutant, surgeon, regimental or battalion clerk, paymaster or quarter master in the militia, shall be capable of being appointed captain of a company, nor shall any person holding the commission of captain of a company be capable of being appointed adjutant, surgeon, regimental or battalion clerk, paymaster, or quarter master of militia.

No adjutant, &c. to be appointed captain of a company, nor any captain of a company to be appointed adjutant, &c.

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[LXXXIII.[a]] AND be it further enacted, that serjeants, corporals, and drummers shall be appointed to the militia in the following proportions; (that is to say,) when not in actual service there shall be one serjeant and one corporal to every thirty private men, and when the militia shall be drawn out into actual service an addition shall be made, so that there shall be one serjeant and one corporal to every twenty private men, and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions, consisting of five or more companies as aforesaid; and when the militia shall be drawn

The proportions of non-commissioned officers and drummers, and their pay.

[a] This section, so far as it provides what shall be the staff of the disembodied militia, or the pay of such staff, is rep., Stat. Law Rev. Act, 1872.]

out into actual service there shall be an addition of one drummer to every company so drawn out, and the daily pay of every such serjeant, corporal, and drummer respectively, when not in actual service, shall be as follows; (that is to say,) of every serjeant, one shilling and sixpence; of every corporal, one shilling and two-pence; and of every drummer, one shilling; and such serjeants, corporals, and drummers shall be new clothed, when not in actual service, once in two years; . . . . . .

Serjeant majors and drum majors may be appointed.

And the colonel or other commandant of every regiment, battalion, or corps, consisting of two or more companies, may appoint a serjeant major, and the colonel or other commandant of every regiment, battalion, or corps, consisting of three or more companies, may appoint a drum major; and that all serjeants, corporals, and drummers, having received any pay as such from any regiment, battalion, or corps, shall be deemed to be engaged and compellable to serve in such regiment, battalion, or corps, until they shall be legally discharged: Provided always, that no person who shall keep any house of public entertainment, or who shall sell any ale or wine, or any brandy or other spirituous liquors by retail, shall be capable of being appointed, or of serving or receiving pay as a serjeant, corporal, or drummer in the militia: Provided always, that if it shall happen that in any regiment, battalion, or corps, there shall be a surplus of fifteen private men or upwards, after the appointment of one serjeant and one corporal to every thirty private men, such regiment, battalion, or corps shall be entitled to have one additional corporal, when not in actual service, for such surplus number of men.

No publican shall serve as a serjeant, &c.

An additional corporal may be appointed where there is a surplus of 15 men above the proportion of 30 men to a serjeant and corporal.

Commandants may discharge serjeants, &c., and appoint others.

LXXXIV. AND be it further enacted, that any serjeant, corporal, or drummer, may be discharged by the colonel or other commandant, and the said colonel or other commandant may appoint any proper person in the room of every serjeant, corporal, and drummer, who shall die, desert, or be discharged, ...

Extra drummers may be kept as fifers or musicians, at the expence of the regiment.

LXXXV. AND be it further enacted, that in case his Majesty's lieutenant for any county, riding, or place, or the colonel or other commandant of any regiment, battalion, or corps of militia, shall be desirous of keeping up a greater number of drummers than is herein directed to be employed as fifers or musicians for the use of any such regiment, battalion, or corps, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for such lieutenant or colonel or other commandant to retain in their respective regiments, battalions, or corps, any number of the drummers employed or to be employed as fifers or musicians therein, over and above the number established by this Act, or at any time hereafter to engage any additional number of drummers to act as fifers or musicians in their respective regiments, battalions, or corps; and all such drummers so retained or in future engaged to serve in any such corps as fifers or musicians shall be deemed drummers of militia within the meaning of this Act, to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments, as other drummers of militia are by this Act subject, and shall continue to serve as drummers so long as they shall receive the same pay and clothing as other drummers have, or better clothing in lieu thereof, and no longer.

Serjeants of Chelsea hospital and out

LXXXVI. AND be it further enacted, that any person able and fit to serve, being a serjeant on the establishment of Chelsea hospital at the allowance of

twelve-pence per day, or being an out-pensioner on the establishment of the said hospital at the allowance of five-pence a day, and being appointed to serve as a serjeant in the militia, may and shall receive the said allowance of twelve-pence a day or five-pence a day respectively, together with his pay from the said militia; and any person who shall have faithfully served as a serjeant, corporal, or drummer in the militia for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the colonel or other commandant of the regiment, battalion, or corps to which he belongs, and the lieutenant or two or more deputy lieutenants of the county, riding, or place to which the said regiment, battalion, or corps belongs, or (on the death or removal or in the absence of the said lieutenant) on the recommendation of the colonel or other commandant and three or more deputy lieutenants of such county, riding, or place, be entitled to examination at the Chelsea board, and be capable of being placed on the establishment of the said hospital at the pension of five-pence per diem, if the said board should judge him deserving thereof.

Pensioners may receive their allowances therefrom together with their pay in the militia.

Serjeants, &c. having served in the militia 20 years may receive the Chelsea pension.

LXXXVII. AND be it further enacted, that the said militia to be raised as aforesaid shall be called out once in every year, for the purpose of being trained and exercised for the space of twenty-one days; and in every county, riding, or place, in which it shall have been appointed that the whole of such militia shall not be trained or exercised at the same time, then the respective parts thereof shall be trained and exercised successively, until the whole of the men serving for such county, riding, or place, shall have been trained and exercised for the space of twenty-one days; and that for the purpose aforesaid the men serving for such county, riding, or place, shall be called out to be so trained and exercised in such manner and in such proportion, at such time or times, and place or places, in such county or riding as shall be appointed, ...

Militia of every county shall be exercised 21 days annually, and shall be called out for that purpose either at the same time or successively at such times and places as shall be appointed.

LXXXVIII. PROVIDED always, and be it enacted, that whensoever any regiment, battalion, or corps to be raised under this Act shall have been disembodied as herein-after directed, it shall and may be lawful for his Majesty to order and direct that such regiment, battalion, or corps, shall not be trained or exercised in manner as is herein-after directed for the space of twelve calendar months, to be calculated from the day on which it shall have been so disembodied, or for such number of months not exceeding twelve months as his Majesty shall think fit.

When any regiment shall have been disembodied his Majesty may order it not to be trained for twelve months.

LXXXIX. AND be it further enacted, that during such time as any militia shall be assembled for the purpose of being trained and exercised all the clauses, provisions, matters, and things contained in any Act of Parliament which shall then be in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and in the Articles of War made in pursuance of such Act, shall be in force with respect to such militia, and to all the officers, non-commissioned officers, drummers, and private men of the same, in all cases whatsoever, but so that no punishment shall extend to life or limb; and that it shall be lawful for the officer commanding and present with any detachment or division of militia called out to exercise under any of the provisions of this Act, not being under the rank of captain, to order, when he shall think it necessary, a regimental court martial to be held for the trial of any offence committed by any serjeant, corporal, drummer, or

During the time of exercise the Mutiny Act and Articles of War shall be in force with respect to the militia, but no punishment shall extend to life or limb.

Officer commanding any division of militia called into exercise, not being

under the rank of captain, may order courts martial to be held, and the commandant of the regiment, on application, shall order a sufficient number of officers to attend, but the sentence shall be submitted to the commandant.

private man under and during his command; and if a sufficient number of officers shall not be present to constitute such court martial, it shall be lawful for the commanding officer of the regiment, battalion, or corps of militia, to which any such detachment or division of militia shall belong, and he is hereby required, upon application made to him by the officer commanding such detachment or division for that purpose, to order a sufficient number of officers of proper rank to attend for the purpose of assisting at such court martial, who shall forthwith attend the same, and assist as members thereof; and the sentence of every such court martial shall in every case be submitted to the colonel or other commandant of the regiment, battalion, or corps to which such detachment or division shall belong (or in his absence from the county, riding, or place) to the senior field officer within the same, for his approval thereof, who shall cause such sentence to be put in execution, mitigated, or remitted, as he shall in his discretion think best for the service.

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Pay of men called out to exercise to commence on their joining, but to such as have been prevented joining, the commanding officer may direct an allowance to be made, on a satisfactory certificate.

XCII. AND be it further enacted, that the pay of every person enrolled to serve in the militia of any county, riding, or place, when not embodied and called out into actual service, and who shall be called out for the purpose of being trained and exercised as aforesaid, shall commence upon the day on which such person shall join the regiment, battalion, corps, detachment, or division to which he shall belong, and not before: Provided always, that if such person shall have been prevented joining such regiment, battalion, corps, detachment, or division, by sickness or other sufficient cause, and shall produce to the commanding officer thereof a satisfactory certificate of such sickness or other sufficient cause, it shall be lawful for the commanding officer of such regiment, battalion, corps, detachment, or division, and he is hereby required, to direct an allowance of pay to be made to the person so prevented, according to the time mentioned in such certificate as aforesaid.

Militia men falling sick on the march may be relieved by warrant of a justice, and the expence shall be reimbursed by the county treasurer.

XCIII. AND be it further enacted, that, in case any militia man shall, on his march to the place where he shall be ordered to attend for the annual exercise, be disabled by sickness or otherwise, it shall be lawful for any one justice of the peace of the county, riding, or place, or any mayor or chief magistrate of any city, town, or place where such man shall then be, by warrant under his hand and seal to order him such relief as such justice, mayor, or chief magistrate shall think reasonable, and the same shall be given by the officers of the parish, tything, or place where such militia man shall then be; and the officers giving such relief shall, upon producing an account of the expences thereof to the treasurer of the county, riding, or place for which such militia man shall serve (such account being first allowed under the hand of a justice of the peace), be reimbursed such expences by such treasurer, who shall be allowed the same in his accounts.

Magistrates may billet the militia when called out to annual exercise, and when not embodied may order lodgings, &c. for the non-commissioned officers and drummers.

XCIV. AND be it further enacted, that it shall be lawful for all mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates and officers of cities, towns, parishes, tythings, and places, and (in their default or absence) for any one justice of the peace inhabiting within or near any city, town, parish, tything, or place (but for no others), and they and he are and is respectively hereby required, to quarter and billet the officers, non-commissioned officers, drummers, and private men serving in the militia at the times when they shall be called out to annual exercise, in inns, livery stables, alehouses,

victualling houses, and all houses of persons selling brandy, strong waters, cyder, wine, or metheglin by retail, upon application made to any such mayors, bailiffs, constables, tythingmen, headboroughs, or other chief magistrates or officers, by his Majesty's lieutenant, or by the colonel or other commanding officer of the militia, of the county, riding, or place, where they shall be so called out to exercise as aforesaid; and when the militia is not embodied, nor called out to exercise as aforesaid, all mayors and other chief magistrates and officers aforesaid, or (in their default or absence), any one justice of the peace as aforesaid, may and they and he are and is hereby respectively required to order and provide convenient lodging with fire and candle in such houses as aforesaid for the serjeants, corporals, and drummers of the militia.

Justices to grant warrants for impressing carriages for the militia when called out to exercise.

XCV. AND be it further enacted, that when the militia shall be called out to be trained and exercised, any justice of the peace of any county, riding, or place, being thereunto required by an order from the lieutenant or from any deputy lieutenant of such county, riding, or place, or from the colonel or other commanding officer of any regiment, battalion, corps, detachment, or division of militia, being within such county, riding, or place, may and shall issue his warrant to the chief constables of hundreds, rapes, lathes, wapentakes, or divisions, or to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, or places, from, through, near, or to which any such regiment, battalion, corps, detachment, or division of militia shall be ordered to march, requiring them to provide such sufficient carriages to convey the arms, clothes, accoutrements, ammunition, and other stores, with able men to drive such carriages, as shall be mentioned in the said order; and in case such sufficient carriages and men cannot be provided within any such county, riding, hundred, rape, lathe, wapentake, division, parish, tything, or place, then any justice of the peace for any adjoining county, riding, or place, may and shall, upon such order as aforesaid being shewn unto him, issue his warrant to the chief constables, constables, tythingmen, headboroughs, or other officers of any hundred, rape, lathe, wapentake, division, parish, tything, or place within such adjoining county, riding, or place, for the purposes aforesaid, to make up such deficiency of carriages and men; and such lieutenant, deputy lieutenant, or colonel, or other commanding officer, requiring such carriages and men to be provided as aforesaid, shall at the same time pay to every such chief constable, tythingman, headborough, or other officer, for the use of the person or persons who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses, and any wain with six oxen, or with four oxen and two horses, shall respectively travel; and the sum of nine-pence for every mile any such cart with four horses shall travel, and so in proportion for any carriages drawn by any less number of horses or oxen; for which respective sums every chief constable, constable, tythingman, headborough, or other officer receiving the same is hereby required to give a receipt to the person paying the same; and every such chief constable, constable, tythingman, headborough, or other officer shall order and appoint such person or persons having carriages within their respective hundreds, rapes, lathes, wapentakes, divisions, parishes, tythings, or places, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid; and every person so ordered is hereby required to provide and furnish the same accordingly for one day's journey, and no more; and

Rates to be paid for carriages.

If the expence exceed the rates the overplus shall be repaid by the county treasurer.

in case any such chief constables, constables, tythingmen, headboroughs, or other officers shall be at any charges for such carriages over and above the money which shall be so received by them as aforesaid, such overplus shall be borne by every county, riding, or place where such additional expence shall be incurred, and be repaid to them without fee or reward by the treasurer of every such county, riding, or place, out of the publick stock.

Militia men when called out to exercise may be put under stoppages for providing them with linen, &c.

XCVI. AND be it further enacted, that when any regiment, battalion, or corps of militia, or any detachment or division thereof as aforesaid shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding four-pence per day, for the purpose of providing them with linen and also with other necessaries, and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: Provided always, that every such captain or commanding officer shall account with each militia man for such stoppage, and after having deducted what shall have been laid out and paid for necessaries, and for repairing the arms as aforesaid, shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before such militia man shall be dismissed from such training and exercise.

Returns of the militia when called out to be exercised, to be made by the colonel, &c. to the lieutenant, &c.

XCVII. AND be it further enacted, that the colonel or other commanding officer of every regiment, battalion, and corps of militia, as often as his regiment, battalion, or corps shall be called out to exercise as before directed, and within fourteen days from the time of assembling, shall and he is hereby required to return to the lieutenant of the county, riding, or place to which the same belongs, a true state of such regiment, battalion, or corps, and a duplicate thereof to the clerk to the general meetings to be filed; and where the militia of any county, riding, or place, shall be so ordered to be trained and exercised in parts or proportions successively in manner directed by this Act, the officer commanding every such part or proportion for the time being shall within seven days after the assembling of such part or proportion make a return of the state of the militia exercised by him or under his command to the colonel or commanding officer of the regiment, battalion, or corps, to which the militia so exercised shall belong, on pain of forfeiting twenty pounds for every such omission; and the colonel or commanding officer receiving such returns shall, within fourteen days after all the returns of men belonging to his regiment, battalion, or corps, who shall have been so assembled, shall have been received by him, transmit a general return to the lieutenant of the county, riding, or place, to which such militia shall belong, and a duplicate thereof to the clerk of the general meetings to be filed; and in case any officer shall refuse or neglect for three months after the time herein appointed for making such returns so to do, he shall for every such offence forfeit and pay the sum of fifty pounds.

Penalty for neglect.

Captains of companies shall make out a return in the form in the schedule (F.) for the adjutant, or where none, for the

XCVIII. AND be it further enacted, that the captain or commanding officer of every company of militia called out to exercise under this Act shall, during the time of such exercise, make out a correct and accurate return of the state of the classes of the men belonging to his company, arranged according to the form in the schedule to this Act annexed marked (F.), specifying the several particulars therein mentioned and the subdivision to which every such man

shall belong, and shall deliver or transmit the same to the adjutant of the regiment, battalion, or corps, or where there shall be no adjutant to the commanding officer of the militia of the county, riding, or place to which such company shall belong; and such adjutant or commanding officer (as the case may be) shall within one month after every such exercise as aforesaid prepare and make out a general and accurate return of all such classes according to such form and with such specification as aforesaid, and shall transmit the same to the clerk of the general meetings, and shall also transmit to the clerks of the subdivision meetings within the county, riding, or place, to the militia of which he shall belong, extracts of such return, containing the state of the classes of men belonging to their respective subdivisions; and such subdivision clerks shall forthwith correct the books of enrolment of their respective subdivisions so as to correspond accurately with such return, and the clerk to the general meetings shall forthwith, upon receipt of such return as aforesaid, and within two months after the expiration of such exercise as aforesaid, make out and transmit to one of his Majesty's principal secretaries of state correct abstracts of all such returns as aforesaid, made out in the form in the schedule marked (G.) to this Act annexed; and every person so required as aforesaid to make any such return, who shall refuse or neglect to make the same in manner aforesaid at the period hereby required for that purpose, shall for every such offence forfeit and pay the sum of fifty pounds.

commanding officer, who shall make out a general return, and transmit the same to the clerk of the general meetings, and necessary extracts to the clerk of the subdivisions, who shall correct their books of enrolments therefrom.

Clerk of the general meeting, within a certain period, shall transmit to the secretary of state an abstract of returns in the form in schedule (G.)

Penalty for neglecting to make returns.

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C. AND be it further enacted, that in case any militia man shall desert or absent himself from his duty, and shall not return and voluntarily surrender himself to the adjutant or other officer, commissioned or non-commissioned, commanding at the city, town, or place where the arms of the regiment, battalion, or corps to which he shall belong shall be deposited, or shall not be taken within the space of three months from the time of his so deserting or absenting himself, then upon certificate thereof from the commanding officer of the regiment, battalion, or corps to which he belonged to the deputy lieutenants at any of their meetings for the subdivision for which such militia man was enrolled, such deputy lieutenants or any two or more of them are hereby required to hold a subdivision meeting, and to proceed to ballot for another person to serve and be returned to such regiment, battalion, or corps, in the room of such militia man; and in case such militia man shall at any time thereafter return or be taken, he shall, notwithstanding any person shall have been chosen in his room, be compelled to serve in the same manner and for the same term as if no person had been so chosen in his room.

If men absent themselves and do not return, or are not taken within three months, others shall be balloted for in their room.

Whenever such men return or are taken, they shall be compelled to serve.

CI. AND be it further enacted, that all muskets delivered for the service of the militia shall be marked distinctly in some visible place with the letter (M), and the name of the county, riding, or place to which they belong; and in case any militia man shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, or neglect or refuse to return the same in good order to his captain or to the person appointed to receive the same, every such militia man shall for every such offence forfeit and pay a sum not exceeding three pounds; and if such militia man shall not immediately pay such penalty, the justice of the peace before whom he shall be convicted shall commit him to the house of correction, to be kept to hard labour for any time not exceeding three months, or until he shall have paid the said penalty.

Muskets shall be marked, and if any men sell, pawn, or lose, their arms, &c., or neglect to return them in good order, they shall forfeit not exceeding 3*l.*, or shall be committed for not exceeding three months.

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Non-commissioned officers and drummers may be reduced to serve as privates for a certain period, and if not then restored, shall be discharged.

CV. AND be it further enacted, that any serjeant, corporal, or drummer of the militia may by sentence of a court martial be reduced to the condition of a private militia man, to serve as such during any time not exceeding fifteen months, in case the regiment, battalion, or corps to which he belongs shall not be then embodied or called out into actual service; and in case the regiment, battalion, or corps to which he belongs shall be then embodied or called out into actual service, to serve as aforesaid until the disembodying of the said regiment, battalion, or corps, after which time or at the end of the said fifteen months, as the case may be, if not regularly re-appointed to the rank of a non-commissioned officer or drummer, he shall be discharged from the service.

Arms, &c., when the militia is not embodied, to be kept in a place appointed by the commandant, with the approbation of the lieutenant.

CVI. And be it further enacted, that the arms, accoutrements, clothing, and other stores belonging to every regiment, battalion, or corps of militia, when not embodied, shall be kept in such convenient place as the colonel or other commandant shall direct, with the approbation of the lieutenant of the county, riding, or place; . . . . . .

Non-commissioned officers and drummers shall reside where the arms are kept, and be under the command of the adjutant, and monthly returns of their state shall be made by him, or in his absence by the serjeant major, &c. to the secretary of state, the lieutenant of the county, and the commandant of the corps.

CVII. AND be it further enacted, that all the serjeants, corporals, and drummers in every regiment, battalion, and corps of militia shall constantly be resident within the city, town, or place, where the arms belonging to such regiment, battalion, or corps are kept, and shall be under the command of the adjutant, who also shall be constantly resident within the said city, town, or place, (unless as herein-after provided), and shall act in such command under the orders of the colonel or other commandant of such regiment, battalion, or corps; and that the adjutant, and in his occasional and unavoidable absence the serjeant major, or (where there is no serjeant major) the senior serjeant shall make monthly returns of the true state of the serjeants, corporals, and drummers of the regiment, battalion, or corps severally to his Majesty's secretary of state, to the lieutenant of the county, and to the colonel or other commandant of the said regiment, battalion, or corps, in default of which, on each such neglect, such adjutant or serjeant major shall be subject to such punishment as a court martial shall adjudge; and that no serjeant, corporal, or drummer shall be absent from such city, town, or place, without a regular furlough or licence in writing, signed by his colonel or other commandant; . . . . . .

Serjeants, &c. absent without leave to forfeit their pay and be deemed deserters.

and every serjeant, corporal, and drummer, who shall absent himself without such furlough or licence, shall forfeit all pay during the time of such absence, and be liable to be apprehended and punished as a deserter; . . . . . .

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Persons concealing or assisting deserters to forfeit 5*l.*

CX. AND be it further enacted, that if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds.

His Majesty may order the militia to be embodied in cases of invasion, rebellion, &c., and put under the command of general officers, and led by their respective officers into any

CXI. AND be it further enacted, that in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to Parliament, if the Parliament shall be then sitting, or declared in council and notified by proclamation, if no Parliament shall be then sitting or in being,) to order and direct the lieutenants of the said several counties, ridings, and places, or on the death or removal or in the absence from their respective counties, ridings, or places, of any of them, then any three or more deputy lieutenants, with all convenient speed to draw out and embody all the regiments, batta-

lions, and corps of militia within their respective counties, ridings, and places herein-before appointed to be raised and trained, or so many of them, or such part or proportion of them, or any of them, as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of Great Britain, for the repelling and prevention of any invasion, and for the suppression of any rebellion or insurrection within Great Britain; and from the time of any regiment, battalion, or corps of militia being called out and embodied as aforesaid until the same shall be returned again to its own county, riding, or place, and disembodied by his Majesty's order, the officers, non-commissioned officers, drummers, and private men of every such regiment, battalion, or corps shall be subject to all the provisions contained in any Act of Parliament which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and the Articles of War, made in pursuance thereof; and all the provisions contained in every such Act and Articles of War shall be in force with respect to the militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the militia, while embodied as aforesaid, in all cases whatsoever.

part of Great Britain, and the militia while so embodied shall be subject to the Mutiny Act and Articles of War.

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CXIII. AND be it further enacted, that whenever his Majesty shall cause the militia to be drawn out and embodied as aforesaid, if the Parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the Parliament within fourteen days, and the Parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act in like manner to all intents and purposes as if it had stood adjourned or prorogued to the same day.

When his Majesty shall so order the militia to be embodied, he shall issue a proclamation for the meeting of Parliament in fourteen days.

CXIV. AND be it further enacted, that the lieutenant of every county, riding, and place, or (on the death or removal of any such lieutenant, or in his absence from his county, riding, or place) any three or more deputy lieutenants, to whom any order from his Majesty for drawing out and embodying the whole of the militia of such county, riding, or place shall be directed, shall forthwith issue his or their order to the chief constables or other officers of the several hundreds, rapes, lathes, wapentakes, or other divisions within their respective counties, ridings, and places, with directions to forward the same immediately to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, and places within their respective hundreds, rapes, lathes, wapentakes, and divisions; and such constables, tythingmen, headboroughs, or other officers are hereby required upon receipt thereof forthwith to cause notice in writing to be given to the several militia men, or left at their usual places of abode, within their respective parishes, tythings, or places, to attend at the time and place mentioned in such order.

When the militia is ordered to be drawn out, the lieutenants shall issue orders accordingly, and the constables shall cause notice to be given to the men to attend.

CXV. AND be it further enacted, that no officer serving in the militia shall sit in any court martial upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces sit in any court martial upon the trial of any officer or soldier serving in the militia.

Militia officers not to sit on trials of officers or soldiers of the other forces, nor contrariwise.

If militia men shall not appear in pursuance of orders, they shall be deemed deserters, and persons harbouring them shall forfeit 100*l.*

CXVI. AND be it further enacted, that if any person of the said militia ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended and punished as a deserter according to the provisions of any Act which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the Articles of War made in pursuance of the same; and if any person shall harbour and conceal any such militia man when ordered to be drawn out and embodied as aforesaid, knowing him to be such militia man, every such person shall for every such offence forfeit and pay the sum of one hundred pounds.

Militia when ordered to be drawn out, to be entitled to the same pay as other infantry.

CXVII. AND be it further enacted, that from the date of his Majesty's warrant for drawing out the militia of any county, riding, or place into actual service, the officers and men of the militia of such county, riding, or place shall be entitled to the same pay as the officers and men of his Majesty's other infantry forces, and no other; . . . . . .

Pay of the officers and men who shall not join on the day appointed, unless prevented by necessity, shall commence only from the day of joining.

CXVIII. PROVIDED always, and be it further enacted, that the pay of every officer, serjeant, corporal, drummer, and private man, who shall not join his regiment, battalion, or corps of militia on the day appointed for that purpose, shall commence only from the day of his joining such regiment, battalion, or corps, unless such officer, serjeant, corporal, drummer, or private man shall have been prevented from joining on the day appointed as aforesaid by sickness or any other inevitable necessity, to be proved to the satisfaction of the commanding officer of the regiment, battalion, or corps, in which case such officer, serjeant, corporal, or drummer, or private man may, by order of his commanding officer, be accounted with for his pay from the date of his Majesty's warrant as aforesaid.

Pay of men enrolled after the militia is embodied, to commence from the day of joining, but an allowance may be made them at time of enrolment to enable them to join, which shall be paid by the clerk of the subdivision, who shall be repaid by the receiver general of the land tax.

CXIX. AND be it further enacted, that the pay of every person enrolled to serve in the militia of any county, riding, or place after such militia shall have been embodied and called out into actual service, shall commence upon the day on which such person shall join the regiment, battalion, or corps to which he shall belong, and not before: Provided always, that it shall be lawful for the deputy lieutenants or justices of the peace by whom any such person shall have been so enrolled to order and direct an allowance to be made to such person for the purpose of enabling him to proceed and join the regiment, battalion, or corps to which he may belong, not exceeding the rate of the pay of so many days as would enable him to march from the place where he was enrolled to the place where the said regiment, battalion, or corps may be stationed, to be calculated at the rate of not less than ten miles per day, with the usual number of halting days; and the said allowance of pay shall be advanced to such person at the time of his enrolment by the clerk of the subdivision meeting, under the order of the deputy lieutenants or justices aforesaid or one of them, and shall be repaid to the said subdivision clerk by the receiver general of the land tax, on the production of a certificate to that effect signed by the said deputy lieutenants or justices or one of them, and the said receiver general shall be allowed for the same in his accounts accordingly.

When a regiment is drawn out, an agent shall be ap-

CXX. AND be it further enacted, that when any regiment, battalion, or corps of militia shall be drawn out into actual service, and during the time it shall continue in actual service, the colonel or other commandant thereof

shall and may appoint an agent to such regiment, battalion, or corps, and shall take security from such agent, and such colonel or other commandant shall be and is hereby made subject and liable to make good all deficiencies that may happen from the said agent or from himself upon account of the pay, clothing, or public stock of such regiment, battalion, or corps.

pointed, from whom the colonel shall take security, and shall make good deficiencies in pay, &c.

CXXI. AND be it further enacted, that when the militia of any county, riding, or place shall be ordered out into actual service, the receiver general of the rates and duties under the management of the commissioners for the affairs of taxes for such county, riding, or place shall and is hereby required forthwith to pay to the captain or other commanding officer of every company of militia so ordered out the sum of one guinea for the use of every private militia man belonging to his company; and the said receiver general shall also pay to every captain or other commanding officer of a company as aforesaid the sum of one guinea for every recruit, as early as may be after such recruit shall have joined his company while out in actual service as aforesaid (all which money so paid by the said receiver general shall be allowed him in his accounts); and the money so received by any captain or other commanding officer, or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and such captain or commanding officer shall, on or before the twenty-fourth day of the month next ensuing that in which he shall have received such one guinea as aforesaid, account to such militia man how the said sum of one guinea hath been applied and disposed of, and shall at the time of settling such account pay the remainder of the money (if any) to the said militia man.

When the militia is ordered out the receiver general of the duties under the management of the commissioners for taxes shall pay to the captain of every company one guinea for the use of each man, and also for each recruit as early as may be after he has joined, to be laid out for his advantage.

Captains to account with the men for the same.

CXXII. AND be it further enacted, that in case any person not possessed of any estate in land, goods, or money, of the clear value of five hundred pounds, and who shall make oath that he is not possessed of such estate, shall be chosen by ballot to serve in the militia for any parish, tything, or place, where the said militia is drawn or ordered out for actual service, and such person shall be approved, sworn, and enrolled as aforesaid, or shall provide a fit person to serve as his substitute, who shall be approved, sworn, and enrolled as aforesaid, the churchwardens or overseers of the poor of such parish, tything, or place shall, on receiving an order under the hands of any two or more deputy lieutenants acting within the subdivision wherein such parish, tything, or place is situate, pay to every such person so chosen by ballot any such sum of money, not exceeding the sum which such deputy lieutenants shall adjudge to be as near as may be one half of the current price then paid for a volunteer or substitute in the county, riding, or place where such person was so chosen, which said sum of money shall be taken out of the rate to be made as herein-before directed for providing and producing volunteers, or in case no volunteers shall have been provided or produced by the churchwardens or overseers, then out of a rate to be made and collected agreeable to the poors rate as herein-before also directed; and in case any churchwarden or overseer of the poor shall refuse or neglect to pay such money upon demand and production of such order, every such churchwarden or overseer so refusing or neglecting to make such payment shall for every such offence forfeit the sum of ten pounds, one half of which penalty shall be paid to the person so chosen by ballot in lieu or in part of the sum ordered to be paid him as aforesaid, as the case may require:

Half the price of volunteers shall be paid by the parish officers to persons chosen by ballot who shall serve or provide a substitute where the militia is drawn out for service, on their making oath that they are not worth 500*l.*

Penalty on parish officers for refusing to pay such allowance.

If any person so chosen by ballot shall be disapproved, such allowance shall not be paid to him, but to the next person chosen; nor shall it be paid if his substitute be disapproved, unless the principal serve himself or provide another.

Provided always, that if any man so chosen by ballot and serving for himself shall within one month after his enrolment be disapproved of and discharged by the officer commanding the regiment, battalion, or corps, such sum shall not be paid to the person so chosen by ballot, but shall be paid in manner before mentioned to the next person chosen by ballot in his stead; and if any substitute be disapproved and discharged in manner aforesaid, then no such sum shall be paid to the man so chosen by ballot, whose substitute shall have been so disapproved and discharged, unless he shall serve himself or shall find another substitute who shall be approved by such commanding officer as aforesaid.

When a regiment is embodied and out of its county, a list of men whose time shall be within four months of expiring, and who shall be fit and willing to continue in the service, with the sums for which they will serve, shall at certain periods be transmitted by the commanding officer to the clerk of the general meetings in the following form:

CXXIII. AND be it it further enacted, that whenever any regiment, battalion, or corps of militia shall be embodied, and absent from the county, riding, or place to which it belongs, the commanding officer of such regiment, battalion, or corps of militia shall apply to every man chosen by lot, whose time shall be within four months of expiring, and who in his judgment, and after an examination by the surgeon of the regiment, battalion, or corps, shall still be fit to serve as a militia man, and inquire if he is willing to continue in the service for such term as any man who should be then ballotted to serve would be subject to, and for what price or sum he will so continue; and such commanding officer shall, on the first day of the months of January, March, May, July, September, and November respectively, or as soon after as conveniently may be, transmit to the clerk of the general meetings of the county, riding, or place to which his regiment, battalion, or corps of militia belongs a list of all such men in such regiment, battalion, or corps of militia as he shall find willing to continue in the service, in which list shall be set down the sums they are respectively willing to continue for, and which list shall be signed by every such militia man as aforesaid, and shall be made in the following form, videlicet:

Dated the day of

Name of the County.	Names of the Men.	Of the Parish of	In the Hundred or other Division of	Time of Service expires on the	Sum for which they engage to serve.	Signature of Consent.
	A. B.	P.	H.			A. B.
	E. F.	Q.	I.			E. F.
	G. K.	R.	N.			G. K.

Signing the list shall be binding.

And that the signing of the said list shall be binding upon the persons signing the same, to all intents and purposes whatsoever.

Clerk of the general meetings shall transmit to the clerks of the subdivisions extracts of the returns, and the deputy lieutenants

CXXIV. AND be it further enacted, that the clerk of the general meetings of every county, riding, or place aforesaid shall, as soon after the receipt of such notices as the same can be done, transmit to the respective clerks of the subdivision meetings, for the use of the deputy lieutenants acting in such subdivisions, correct extracts of such returns, specifying in every such extract the men that shall have been inrolled for the subdivision to which the clerk to whom any such extract is sent shall belong; and thereupon it shall be lawful

for such deputy lieutenants, if they shall think fit, to cause the men willing to continue to serve as aforesaid, to be enrolled as volunteers for the particular and respective parishes or places for which they shall have been originally enrolled to serve, and in every such case to direct and require the churchwardens or overseers of the poor of such parish or place to remit the bounty or bounties to be given to such men to the paymaster of the regiment, battalion, or corps in which such men shall be then serving, who shall forthwith pay or account to the said men respectively for the same.

may cause the men willing to continue to be enrolled as volunteers, and require the parish officers to remit their bounties to the paymaster.

CXXV. AND be it further enacted, that in case the term of service of any person who shall have been chosen by lot and enrolled to serve in the militia shall be prolonged in the manner herein directed beyond the term of five years, then and in such case the receiver general for the county, riding, or place to which the person so chosen by lot and enrolled shall belong shall and he is hereby required forthwith to pay to the captain or other commanding officer of each company respectively the sum of one guinea for every person whose time of service shall be so prolonged, and shall in like manner, so often as the term of service of any person so chosen by lot and enrolled to serve in the militia shall be prolonged as aforesaid, pay the like further sum of one guinea (all which money so paid by the receiver general shall be allowed him in his account), and the money so received by any captain or commanding officer, or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for each respective person so chosen by lot and enrolled and whose time of service shall be prolonged as aforesaid, and such captain or commanding officer shall, on or before the twenty-fourth day of the month next ensuing that in which he shall have received any such guinea, account to such person how the said sum or sums have been applied and disposed of, and shall at the time of settling such account as aforesaid pay over to him the remainder of the said money, if any, which shall not have been so applied and disposed of.

Bounties to be paid, when the term of men chosen by lot shall be prolonged beyond five years, by the receiver general for the county to the captain of the company for the use of the men.

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CXXVII. AND be it further enacted, that if any person sworn and enrolled in the said militia either as a substitute or volunteer (not labouring under any infirmity incapacitating him to serve as a militia man) shall not with due diligence join the regiment, battalion, or corps of militia of the county, riding, or place for which he shall be so sworn and enrolled (in case such regiment, battalion, or company shall then be embodied), according to such order as shall be given him in that respect by the lieutenant or deputy lieutenants or any of them, or by any officer of the said regiment, battalion, or corps, or by any other person authorized to give such order, or if any person serving in any embodied militia as a substitute or volunteer, or any serjeant, corporal, or drummer shall desert or absent himself from his duty, every such serjeant, corporal, drummer, or private militia man shall be liable to be apprehended and punished, according to the provisions of any Act which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the Articles of War made in pursuance of the same, and may by a general court martial be adjudged to further service in the said militia for some period to be limited, or to service in his Majesty's other forces without limitation as to the period or place of such

If any substitute or volunteer shall not join, or if any of them, or any serjeant, corporal, or drummer shall desert or absent himself, he may be adjudged to further service in the militia, or to service in the other forces; and in the latter case, if the sentence be approved by his Majesty, the secretary at war or his deputy may order him to be entered as a private sol-

dier, and conveyed to the head quarters of any regiment, or the head quarters for recruits belonging to regiments on foreign stations.

service, according as the court martial before whom he shall be tried shall think fit to direct; and in case the said court shall adjudge such militia man to serve in his Majesty's other forces, and such sentence shall be approved by his Majesty, it shall be lawful, by order under the hand of the secretary at war or his deputy, to cause such man, if found fit for general service on examination by a surgeon of his Majesty's other forces, to be entered as a private soldier to serve in such regiment or corps of his Majesty's other forces as shall be directed in such order, or for general service, and to be forthwith conveyed either to the head quarters of the regiment or corps in which he shall be so entered, or to the head quarters for recruits belonging to his Majesty's regiments on foreign stations (as the case may require); and such substitute or volunteer shall, from the time of his being delivered over to be so conveyed as aforesaid, be subject and liable to all the like penalties and punishments contained in any Act then in force for punishing mutiny and desertion as if he had been originally enlisted for general service, or for the regiment or corps in which he shall be so ordered to be entered as aforesaid.

When the whole number enrolled for any place shall have been ordered out, if any shall afterwards make default, and not be taken within three months, the vacancies shall be filled up by ballot.

CXXVIII. AND be it further enacted, that whenever the whole number of persons enrolled in the said militia for any county, riding, or place shall have been ordered to be drawn out and embodied as aforesaid, and in case any of the persons so ordered to be drawn out and embodied shall afterwards make default, either by not appearing in pursuance of any such order as aforesaid, or by desertion or absence from duty, and such person shall not be taken within the space of three months from the time of such default, desertion, or absence, then a vacancy shall be declared by the deputy lieutenants at their first meeting to be holden for the subdivision for which such person was enrolled next after the receipt of the certificate of such default, desertion, or absence under the hand of the officer commanding the regiment, battalion, or corps to which such person belonged, and the vacancy thus occasioned shall be forthwith filled up by a fresh ballot.

If his Majesty shall order a proportion only of the militia to be embodied, the lieutenant, &c. shall issue orders to the clerks of the subdivisions, to make out lists of all persons enrolled in each subdivision, by a certain day, and a duplicate copy shall be made for the use of the

CXXIX. AND whereas it may be expedient that only such a proportion of the militia, and in such of the counties, ridings, and places as shall be specified in any order of his Majesty, should be drawn out and embodied in the first instance, and that the appointment of the private men necessary to constitute such proportion should be made or decided by ballot or otherwise as is hereinafter mentioned in each subdivision or district, without assembling them previously out of the subdivision or district to which they belong: Be it therefore enacted, that the lieutenant of every county, riding, or place, or (in case of vacancy or in the absence of the lieutenant from his county, riding, or place) any three or more deputy lieutenants, to whom any order of his Majesty for the purpose of embodying the said militia, or such part or proportion thereof as his Majesty shall have judged necessary and ordered to be embodied, shall have been directed, shall, as soon after the receipt thereof as conveniently may be, issue his or their order to the clerks of the several subdivision meetings in such county, riding, or place, to prepare and make out a full and true list, containing the names of all persons enrolled to serve in the said militia by virtue of this Act within each subdivision respectively, and arranged according to their classes as herein-before mentioned, before a day to be specified in the said order of the lieutenant or deputy lieutenants as aforesaid, and which day shall not be later than three days after the date of such

order; and the said clerks shall within the time fixed by such order prepare and make out such lists accordingly, and also two duplicates thereof, one of which duplicates shall be for the use of the deputy lieutenants at their respective subdivision meetings, and the other duplicate thereof shall be transmitted to the clerk of the general meetings, for the use of the lieutenant of the county, riding, or place, or the deputy lieutenants who shall have issued such order as aforesaid.

deputy lieutenants, and another transmitted to the clerk of the general meetings;

CXXX. AND be it further enacted, that the said lieutenant or deputy lieutenants as aforesaid to whom his Majesty's order shall be directed shall, at the time of issuing his or their order herein-before mentioned, also issue his or their order for assembling all the men of the said militia within their respective subdivisions, or at such place or places within their respective counties, ridings, or places, and in such proportions as to the said lieutenant or deputy lieutenants as aforesaid shall appear most expedient, on the day or days to be specified in such his or their order, to the chief constable or other officers of the several hundreds, rapes, lathes, wapentakes, or other divisions within such county, riding, or place, with directions immediately to issue precepts conformable thereto to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, and places within the said hundreds, rapes, lathes, wapentakes, and divisions respectively; and such constables, tythingmen, headboroughs, or other officers are hereby required upon receipt thereof forthwith to cause notice in writing to be given to the several men of the said militia, or left at their usual places of abode, within their respective parishes tythings, or places, to attend within their respective subdivisions or districts at the time and place mentioned in such order, and shall also cause a like notice thereof to be affixed on the doors of the churches or chapels belonging to their respective parishes, tythings, or places, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish, tything, or place thereunto adjoining, which notice shall be deemed a sufficient notice to every person enrolled by virtue of this Act, notwithstanding any omission in the delivery of written notices in manner herein directed; and all such militia men shall duly attend at the time and place appointed in such notices respectively.

Lieutenant, &c. shall also issue orders for assembling the men within their respective subdivisions, or at such places and in such proportions as shall appear most expedient; and the constables shall cause written notice to be given to the men to attend, and notices of the time and place of meeting shall be affixed upon the church doors.

CXXXI. AND be it further enacted, that if any person of the said militia, not labouring under any infirmity incapacitating him to serve as a militia man, shall not appear in pursuance of such order, or appearing shall not abide the orders of the deputy lieutenants attending in pursuance of this Act, every such person shall be deemed a deserter, and if not taken previously to the completion of the ballot at which such person ought to attend in pursuance of this Act, shall forfeit the sum of ten pounds, and shall be deemed and taken to be a person liable to be embodied within the intent and meaning of this Act and to serve according to the directions herein contained, over and above the number to be chosen by ballot as aforesaid.

Men not appearing, or not abiding the orders of the deputy lieutenants, shall be deemed deserters, and if not taken before the ballot is completed shall forfeit 10*l.* and be liable to be embodied.

CXXXII. AND be it further enacted, that the said lieutenant or deputy lieutenants as aforesaid of every county, riding, or place, or any three or more of them, shall appoint the first meeting to be holden by the several deputy lieutenants of the same county, riding, or place within their respective subdivisions, or at such other place or places as shall have been appointed as aforesaid, on the day mentioned in such order as aforesaid, for assembling the

Lieutenant, &c. shall appoint the first subdivision meeting for ballotting, and the time and place for assembling the

men chosen, of which the deputy lieutenants shall have notice, and the deputy lieutenants shall cause the required proportion of men to be ballotted for, and the names of those chosen to be marked on the list, which list shall be read over, and the names of those chosen shall be declared and returned to the lieutenant, and the time when and place where they are to be embodied shall be declared, and those chosen shall then and there attend, and the men not chosen shall be discharged from further attendance.

men of the said militia, in order to their being chosen or ballotted to serve according to the directions of this Act, and shall also appoint the time and place of assembling such of the said men as shall be so chosen or ballotted within their respective counties, ridings, or places, in order to their being embodied; of which several appointments the respective deputy lieutenants shall have notice; and all the men enrolled on the list of every such subdivision or district, and appearing in pursuance of such order on the day so to be appointed, shall be then mustered by the said deputy lieutenants, and the said deputy lieutenants shall at such meeting proceed in the manner by this Act directed to cause a number of the men so appearing to be chosen or ballotted for according to the directions of this Act, equal to such proportion of the complete number that had been or ought to be enrolled by virtue of this Act on the list of such subdivision or district as shall or may be specified in his Majesty's order for drawing out and embodying any part or proportion of the militia as aforesaid, and to cause the names of all the persons chosen and ballotted to be marked on the list of such subdivision or district; and when the choice and ballot shall be concluded, the said deputy lieutenants shall cause the list of such subdivision or district to be publicly called; and as the name of each person contained therein shall be read, shall then and there declare whether such person is or is not (as the case may be) chosen or ballotted out of such list in the manner herein-before provided; and the names of all the persons so chosen and ballotted shall be returned to the lieutenant of the county, riding, or place for which such persons are enrolled, or to the deputy lieutenants who shall have given such order as aforesaid; and the persons so chosen and ballotted shall be embodied to serve according to the true intent of this Act; and the said deputy lieutenants shall openly declare to the men who have been so chosen or ballotted, the time and place of their assembling, in order to their being embodied; and all and every such persons or person who shall have been declared to be so chosen or ballotted shall immediately proceed and repair to and shall duly attend at the time and place so to be appointed and declared, in order to their or his being embodied accordingly; and all and every such persons or person as shall be so declared not to have been so chosen or ballotted as aforesaid shall be discharged from further attendance in pursuance of such order as aforesaid.

Deputy lieutenants may correct classes.

CXXXIII. PROVIDED always, and be it enacted, that it shall be lawful for the said deputy lieutenants in their several subdivision meetings, and before they proceed to choose or ballot as herein-before directed, to revise and correct the names of the men contained in such class or classes, according to the several changes or alterations that may have taken place since the last revisal or correction thereof.

When his Majesty shall order only a part of any militia to be embodied, the deputy lieutenants shall examine the classes, and if the number required shall equal the first, or first and second, or suc-

CXXXIV. AND be it further enacted, that whenever his Majesty shall think fit to draw out and embody a part or proportion only of the militia of any county, riding, or place, the deputy lieutenants in their several subdivisions shall, before they proceed to choose or ballot for the private men who are to form such part or proportion, examine the classes of the descriptions herein-before mentioned entered according to the provisions of this Act, and in every case in which the part or proportion of the militia required to be called out in such subdivision shall equal the number of men contained in such first, or first and second, or other succeeding classes in their order, then and in such

case the men contained in such class or classes, as the case may be, shall be forthwith chosen without any ballot; and when the proportion of men so required as aforesaid shall be less than the number of men contained in such first class, then such proportion shall be ballotted for out of such class only, and no other; and when the proportion so required as aforesaid shall exceed the number of men contained in the first, or first and any succeeding class or classes in the order in which they shall so stand as aforesaid, the deputy lieutenants shall first choose all the men in such first class, or first and next succeeding class or classes, until such proportion shall be as near as may be completed, and shall then proceed to ballot in manner directed by this Act for the remainder of the proportion so required as aforesaid, out of the class immediately following the last class that shall have been wholly taken towards making up such proportion as aforesaid; and the deputy lieutenants shall proceed in like manner for the supplying of any further part or proportion of militia, in case any further part should be afterwards ordered by his Majesty to be embodied, and shall during the whole of the time that a part or proportion only of the militia shall remain embodied, supply all vacancies as they shall arise in such part or proportion out of the classes as they stand in succession, and shall in no case proceed to ballot for the supplying of any vacancy out of any class, until all the men contained in the preceding class or classes, who shall be able and fit to join such militia, shall have been chosen for that purpose.

ceeding classes in their order, the men contained therein shall be chosen without ballot, and if less than the first class, the number shall be ballotted for thereout, and if more than that and any succeeding class in order, such classes shall be first chosen, and the remainder ballotted for out of the next class to the last wholly taken, and in like manner any further proportion shall be supplied as well as vacancies.

CXXXV. AND be it further enacted, that whenever the militia, or any part or proportion of the militia of any county, riding, or place, shall have been ordered to be drawn out and embodied in pursuance of this Act, in case any of the persons enrolled in any subdivision of such county, riding, or place, the militia whereof shall be so ordered to be drawn out and embodied as aforesaid, shall make default either by not appearing in pursuance of any such order as aforesaid or by desertion or absence from duty, and such person shall not be taken within the space of three months from the time of such default, then a vacancy shall be declared by the deputy lieutenants, at their first meeting to be holden for the subdivision for which the person so making default was enrolled next after the receipt of the certificate of such default, desertion, or absence under the hands of the officer commanding the regiment, battalion, or corps to which such person belonged, and the vacancy thus occasioned shall be forthwith filled up by a fresh ballot within the subdivision aforesaid.

If any person enrolled in any subdivision of a county, the militia whereof shall be ordered to be embodied, shall desert or be absent, and shall not be taken within three months, the vacancy shall be filled up by a fresh ballot.

CXXXVI. AND be it further enacted, that if any person enrolled by virtue of this Act and not chosen or ballotted as aforesaid, who shall not have any child or children living under the age of fourteen years, and who shall not be more than thirty-five years of age, shall offer himself as a volunteer to be drawn out and embodied in the room of any person so chosen or ballotted, it shall be lawful for the deputy lieutenants at any meeting to accept such volunteer in the room of such person so chosen or ballotted as aforesaid, and such person so accepted shall serve as if he had himself been so chosen or ballotted in manner aforesaid.

Any person enrolled and not chosen not having a child under 14, and not being more than 35 years old, may be accepted as a volunteer.

CXXXVII. AND be it further enacted, that every man of the said militia who shall appear and attend at the ballot to be taken as herein-before directed, and who shall not be chosen or ballotted as aforesaid, shall be entitled to an

Men attending at the ballot and not chosen shall be paid by the clerk 1s.

per diem while from home, which the receiver general of county shall reimburse.

allowance, after the rate of one shilling per diem, during the time he shall be necessarily employed from home in going to and continuing at and returning from the place to be appointed for such ballot, not to exceed three days, to be paid by the clerk of the subdivision or other meeting in which such men shall be enrolled; and on the certificate of the number of men so paid, under the hands of such deputy lieutenants and justices of the peace respectively, or where no deputy lieutenant shall there attend, then of any one such justice of the peace as aforesaid, the receiver general of such county, riding, or place, shall reimburse to the said clerk the sums so paid, out of any monies in his hands of any aid granted by Parliament by way of land tax.

Clerks may draw upon the receivers general, by order of the deputy lieutenants, &c. for money to pay allowances.

CXXXVIII. AND be it further enacted, that the respective clerks of the subdivision or other meetings shall be and they are hereby authorized and empowered to draw on the receiver general of the land tax for the county, riding, or place for such sum or sums of money as such deputy lieutenants and justices of the peace respectively, or where no deputy lieutenant shall attend, then as one justice of the peace shall, by any order under their or his respective hands or hand, direct and appoint, which sum or sums of money shall be applied by such respective clerks for paying the allowances herein-before directed to be made; and the receipt of any such clerk, together with such order, shall be to the said receiver general of the land tax a sufficient discharge for the payment of such sum or sums of money, and be allowed in his account.

Clerks shall, when required, make out accounts of monies received and paid by them.

CXXXIX. AND be it enacted, that the clerk of each subdivision or other meeting shall, when required by such deputy lieutenants and justices of the peace, or where no deputy lieutenant shall attend, then by one justice of the peace, make out an account of the respective sums of money by him received and paid in pursuance of this Act, to be by them examined, allowed, and signed; and the account so examined, allowed, and signed, shall be and is hereby directed to be the proper voucher and acquittal of such clerk for the application and disposal of such money.

His Majesty may order the remainder of the militia to be embodied.

CXL. AND be it further enacted, that nothing herein contained shall be construed to debar his Majesty from ordering the remainder of the said militia, or so many of the remainder of the said militia of any county, riding, or place, as his Majesty shall in his wisdom think proper, to be drawn out and embodied whenever the occasion shall require, according to the provisions prescribed by this Act.

When his Majesty shall order any further proportion of the militia to be embodied, the lieutenant, &c. shall pursue the rules prescribed for embodying the first proportion.

CXLI. AND be it further enacted, that whenever his Majesty shall think fit to draw out and embody any further proportion of the militia of any county, riding, or place, it shall be lawful for the lieutenant of such county, riding, or place, or three or more deputy lieutenants as aforesaid, and he and they is and are hereby respectively required, to cause such further proportion to be drawn out and embodied as his Majesty shall order; and in so doing such lieutenants and deputy lieutenants respectively, and also all and every the deputy lieutenants, and all other officers aforesaid respectively, shall pursue the rules and directions herein-before prescribed for drawing out and embodying the first proportion thereof.

While any part of the militia shall continue embodied, his

CXLII. AND be it further enacted, that, if during such time as any part of the militia which shall have been drawn out and embodied for service shall continue embodied, his Majesty shall deem it expedient that the militia of any

county, riding, or place, or any part thereof, which shall not at such time be actually embodied for service, should be drawn out in order to be mustered, trained, and exercised for a limited time, instead of being so embodied for service according to the provisions of this Act, it shall be lawful for his Majesty to direct the lieutenants or deputy lieutenants of all or any of the said counties, ridings, or places to cause the said militia not actually embodied, or any part thereof, to be drawn out in order to be mustered, trained, and exercised, in such proportion, and for such time, and at such place or places, as shall be appointed, with the approbation of his Majesty, by the lieutenant or deputy lieutenants, in manner as is herein-before directed for training and exercising the disembodied militia; and the same shall be mustered, trained, and exercised accordingly.

Majesty may order any not embodied to be drawn out to be mustered, trained, and exercised.

CXLIII. AND be it further enacted, that whenever the whole of the militia of any county, riding, or place is ordered to be embodied, all the officers, non-commissioned officers, and drummers of every regiment, battalion, or corps of the militia of such county, riding, or place shall immediately join the regiment, battalion, or corps to which they respectively belong, at the time and place appointed for the embodying such militia; and whenever the militia of any county, riding, or place is called out and embodied by detachments or divisions under any order of his Majesty for that purpose pursuant to the provisions of this Act, it shall be lawful for his Majesty to order and direct the proportion and description of officers, non-commissioned officers, and drummers, who shall accompany such detachments or divisions of men, and the respective establishments of such detachments or divisions, and also to regulate the numbers and duties of all such officers, serjeants, corporals, and drummers, as shall remain within any such county, riding, or place for the mustering, training, and exercising of the remainder of the private militia men thereof, as the service may require, and to his Majesty may seem most fit and convenient.

When the whole militia of any county, &c. is ordered to be embodied, all the officers, non-commissioned officers, and drummers shall join, and when only a part, such a proportion of them as shall be directed by his Majesty, who shall regulate the numbers and duties of those remaining in the county for mustering, &c. the remainder of the privates.

CXLIV. AND be it further enacted, that it shall be lawful for his Majesty from time to time, as he shall think fit, to disembody any part or proportion of any militia of any county, riding, or place embodied under this Act, and from time to time again to draw out and embody any such militia so disembodied as aforesaid, or any proportion thereof, as to his Majesty shall seem necessary, according to the rules and provisions of this Act.

His Majesty may disembody the militia, and re-embody them, as to him shall seem necessary, according to the provisions of this Act.

CXLV. AND be it further enacted, that when the militia or any part thereof having been so drawn out into actual service as aforesaid shall be again duly disembodied, and the officers and men thereof dismissed to return to their several places of abode, the officers, non-commissioned officers, drummers, and private men shall be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act, before they were so drawn out into actual service as aforesaid.

Militia when disembodied to be subject to the same orders only as before being drawn out.

CXLVI. AND whereas it may be expedient that in all cases of actual invasion, or of imminent danger thereof, and in case of rebellion, his Majesty should be empowered to increase without delay the number of militia forces, for the more effectual protection and defence of this realm: Be it therefore enacted, that it shall be lawful for his Majesty (the occasion being first communicated to Parliament, if the Parliament shall be then sitting, or declared in council and notified by proclamation, if no Parliament shall be then sitting or in being), to order and direct by his royal proclamation, that in addition to the number of men required by or under the foregoing provisions of this Act to be raised by the several counties, ridings, and places herein mentioned, there

In case of invasion or rebellion his Majesty may, by proclamation, increase the militia by

any number not exceeding half the number required by this Act, and the lieutenants and deputy lieutenants shall apportion the number, and proceed to raise and enrol the men at such time as shall be specified in the proclamation.

shall be forthwith raised and enrolled in the said several counties, ridings, and places, any number of men not exceeding the proportion of one half of the whole number of men before required by or under this Act to be raised by each county, riding, and place; and the lieutenants and deputy lieutenants respectively of the said counties, ridings, and places shall, immediately on the issuing of any such proclamation, assemble and forthwith proceed to apportion the number of men required to be raised in their respective counties, ridings, and places, among the several hundreds, rapes, lathes, wapentakes, or other divisions, and also among the several parishes, tythings, or places, therein respectively; and shall thereafter proceed to raise and enrol such men at such time or times as shall be specified for that purpose in such proclamation; and all the powers, provisions, regulations, rules, penalties, forfeitures, bounties, allowances, clauses, matters, and things, in this Act contained, relative to the militia, shall be applied, practised, enforced, and put in execution, for the raising, training, and exercising, and for the embodying and calling out into actual service the supplementary militia so ordered and directed to be raised and enrolled, in as full and ample a manner in every respect, as far as the same can be applied and put in force, as if the said number of men so added to the militia had been included in the number of men required and directed to be raised by virtue of this Act. [Rep., Stat. Law Rev. Act, 1872.]

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His Majesty, by proclamation, may reduce and disembody the supplementary militia, and the privates so disembodied, or those enrolled and not embodied, shall remain liable to serve for the periods for which they were enrolled, and shall supply vacancies in the regular militia, and no ballot shall take place while vacancies can be supplied from them, but they shall not be liable to supply vacancies for any other place than that for which they were originally enrolled.

CXLVIII. AND be it further enacted, that it shall be lawful for his Majesty, from time to time (whenever he shall deem it expedient to reduce the whole, or any part of the supplementary militia, by his royal proclamation to declare such reduction accordingly; and [Rep., Stat. Law Rev. Act, 1872.] in case the said supplementary militia, or any part thereof, shall be then embodied), to disembody the same, or any number of private militia men equal thereto, without regard to whether such men were raised and inrolled in pursuance of any proclamation for raising the supplementary militia, or were inrolled before, and were serving at the time of the issuing thereof; and the private militia men so disembodied as aforesaid, or so many of them as may have been inrolled and not embodied at the time of issuing such proclamation, shall nevertheless remain liable to serve for the respective periods for which they shall have been respectively inrolled to serve, and shall during such periods supply all the vacancies that may arise in the respective parishes or places or united parishes or places, for which they shall have been so inrolled, whenever called upon so to do; and the deputy lieutenants of the respective subdivisions shall from time to time cause any man or men, as the case may be, that may be required for supplying any vacancy or vacancies in the established militia that may arise for any parish or place or united parishes or places in their respective subdivisions, to be taken from their respective classes as aforesaid, or ballotted as the case may require, according to the provisions in this Act contained relating to the taking men for the militia from classes, until all the men so remaining liable, and that shall be fit to serve, shall have supplied such vacancies: Provided always, that no ballot shall take place for the raising and inrolling any man to supply any vacancy that may arise from any parish or place so long as the same can be supplied from any men or by any man then inrolled for such parish or place that shall remain liable and be fit to serve: Provided also, that no man so remaining liable to serve as aforesaid for any parish or place shall be called upon or be liable to supply any vacancy arising for any other parish or place than that for which he shall be originally inrolled to serve under the provisions of this Act: Provided also, that no such man so remaining liable to supply such vacancy as aforesaid shall, during the time he so remains liable, be capable of being enlisted into his Majesty's regular forces.

[CXLIX.[a]] AND be it further enacted, that all the powers given and provisions made by this Act with respect to the county of Northumberland and the militia thereof shall extend to the town of Berwick-upon-Tweed and the liberties thereof (except only in such cases where by this Act it is otherwise expressly provided for); and that out of the persons returned in the lists for the said town of Berwick-upon-Tweed a number of private militia men shall be chosen by ballot to serve for the said town, in the same proportion with the private militia men appointed to serve for the other hundreds, wards, and other divisions within the said county of Northumberland; and if persons can be found within the said town and liberties thereof with such qualifications as are required for deputy lieutenants and officers within cities and towns which are counties of themselves, the chief magistrate of the said town of Berwick-upon-Tweed shall appoint five deputy lieutenants, and such number of officers of the militia as shall be proportional to the number of militia men which the said town shall raise as their quota towards the militia of the county of Northumberland; and the lieutenant of the said county and deputy lieutenants and all other officers and persons acting in the execution of this Act for raising and training the militia within the said county are hereby authorized and required to put this Act into execution within the said town and the liberties thereof, but subject nevertheless to such penalties as are inflicted upon deputy lieutenants and other officers of the militia for acting not being duly qualified; and that the militia men to be chosen for the said town shall join the militia of the county of Northumberland, and be exercised together, and shall then, and also in time of actual service, be deemed part of the militia of the county of Northumberland.

The powers given with respect to Northumberland shall extend to Berwick-upon-Tweed; and if persons can be found there with the requisite qualifications, the chief magistrates shall appoint five deputy lieutenants, and a proportionate number of officers to the men, and they shall join the militia of Northumberland.

[CL.[a]] AND whereas the ordering the militia of the Isle of Wight has always been in the governor or lieutenant governor of the said island: Be it enacted, that after the number of persons which the said island is to furnish to the militia of the county of Southampton shall have been appointed, as by this Act is directed, by his Majesty's lieutenant and the deputy lieutenants, or by the deputy lieutenants of the said county at large, the governor of the said island shall appoint the officers of the militia to be raised in the said island, and shall and is hereby empowered and required to act in the execution of this Act in the same manner as his Majesty's lieutenants of counties are hereby empowered and required to act, and shall appoint five or more deputies to act for him in and for the said island, which deputies and officers of the militia shall be qualified in the same manner and are hereby empowered and required to act in the execution of this Act in the same manner and under the same directions, provisions, and penalties, as deputy lieutenants and officers of the militia in the several counties within the dominion of Wales are by this Act subject to, and the militia of the said island shall be raised in the same manner as the militia of the county of Southampton, and shall be deemed a part of the militia of the said county; and after the same shall be so raised, the said governor, lieutenant governor, and deputies shall order and direct the training and exercising the said militia within the said island, in the same manner as his Majesty's lieutenants and the deputy lieutenants are by this Act authorized

Governor of the Isle of Wight to appoint the officers, &c., of the militia of the island, who are to have the same qualifications as are required in Wales.

The militia of the island shall be raised as and deemed part of the militia of the county of Southampton, but shall remain in the

[a] Rep., so far as relates to the qualifications of officers of the militia, and to the counties, ridings, or places in which estates required as qualifications for deputy lieutenants are to be situate or arising, Stat. Law Rev. Act, 1872.]

island, unless otherwise ordered by his Majesty.

and directed to do in any county within that part of Great Britain called England, and the militia so raised within the said island shall be continued and remain within the said island as an internal defence thereof, unless his Majesty shall otherwise order and direct.

Craike to be deemed part of the North Riding of Yorkshire, the part of Maker lying in Cornwall to be deemed part of that county, Wokingham part of Berks, Filey of the East Riding of Yorkshire, Threapwood of Flintshire, and Stamford Baron of Lincolnshire;

CLI. AND be it further enacted, that for the several purposes of this Act the constabulary of Craike, which is a parcel of the county of Durham surrounded by part of the North Riding of the county of York, shall be deemed to be situate within and part of the said North Riding; and that part of the parish of Maker, which lies in the county of Cornwall, shall be deemed to be situate within and part of the county of Cornwall; and that the town and parish of Wokingham shall be deemed to be situate within and part of the county of Berks; and that the township of Filey shall be deemed to be situate within and part of the East Riding of the county of York; and that Threapwood shall be deemed to be situate within and part of the parish of Worthenbury in the county of Flint; and that the parish of Saint Martin, called Stamford Baron, in the suburbs of the borough and town of Stamford on the south side of the waters called Welland, shall be deemed to be situate within and part of the county of Lincoln.

and shall be subject to the authority of the lieutenants, &c. of those counties respectively.

CLII. AND be it further enacted, that the several towns and places hereinbefore mentioned, and deemed to be situate within and part of the several counties, ridings, and places aforesaid for the purposes of this Act, shall be subject to the jurisdiction and authority of the lieutenants, deputy lieutenants, justices of the peace, and other officers of the respective counties, ridings, and places, within which such towns and places are hereby deemed to be situate; any law, usage, or custom to the contrary notwithstanding.

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Warden of the Cinque Ports, and his lieutenants, may act as lieutenants and deputy lieutenants of counties.

CLV. AND be it further enacted, that the warden of the Cinque Ports, two ancient towns, and their members, and in his absence his lieutenant or lieutenants, shall put in execution within the said ports, towns, and members all the powers and authorities given and granted by this Act, in the like manner as lieutenants of counties and their deputy lieutenants may do; and shall keep up and continue the usual number of soldiers in the said ports, towns, and members, unless he or they find cause to lessen the same; and the

Militia of the ports shall remain separate from the militia of the counties, and may be drawn out into actual service, though the pay advanced may not have been reimbursed, &c.

militia of the said ports, towns, and members shall remain separate from the militia of the several counties within which the said ports, towns, and members are situate; and it shall be lawful for the said warden, or his lieutenant or lieutenants, in pursuance of orders from his Majesty, in the manner prescribed by the Act of the thirteenth and fourteenth years of King Charles the Second, notwithstanding one or more months pay advanced be not reimbursed, to raise and draw out the soldiers into actual service, and to cause the persons charged as by the said Act to provide their soldiers with pay in hand, not exceeding one month's pay, in such manner as if all the pay advanced and provided had been reimbursed; and to use the like powers, and to array, assess, and arm, muster and exercise the said soldiers, and to make assessments, and issue warrants for the assessments made or to be made for raising any trophy money, and for defraying the necessary charges of trophies, and other incident expences of the militia of the said ports, towns, and members, as hath been heretofore used, and according to their ancient privileges and customs, any thing in the said Act or this Act to the contrary notwithstanding.

CLVI. AND whereas for the different rapes in the counties of Sussex and East Kent there are no peace officers who can act officially for such rapes: And whereas the rapes in the said counties are the most convenient districts to be appointed as the subdivisions for the deputy lieutenants to execute the several purposes directed by this Act, and do contain within their boundaries several hundreds, to each of which there is a peace officer belonging: And whereas the boroughs and tythings over which there are headboroughs, tythingmen, or other peace officers are uncertain in their boundaries, and often include parts of various parishes, from which great inconveniences arise, both in ballotting for the men to be drawn by lot for the service of the said militia, and also in the payment of the money directed to be paid by the parishes to those who may be allotted to serve: And whereas it would be more expedient that the ballotting for men to serve in the said militia for the counties of Sussex and Kent should be by the division of parishes, to which division there are no peace officers: Be it therefore enacted, that his Majesty's lieutenant, or on his death or removal or in his absence, any three or more deputy lieutenants of the counties of Sussex and Kent respectively, may and shall issue out his or their orders to the chief constable of the several hundreds in the rapes in the said counties where their subdivisions may have been or may be appointed, directing such chief constables to issue their precepts and orders to the churchwardens or overseers of the poor of each parish within their respective hundreds or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the place and on the days by them directed, fair and true lists in writing of the names of all the men usually dwelling within their respective parishes, between the ages of eighteen and forty-five, distinguishing their respective ranks and occupations, and in like manner in every respect and for such several purposes as are by this Act directed to be done and performed by the constables, tythingmen, headboroughs, or other officers of each parish, tything, or place, within their respective hundreds, or other divisions; and that the churchwardens and overseers of the poor of the several parishes in the said counties to whom such precepts and orders shall be issued shall for the purposes of this Act be deemed the officers of such parish, and shall be invested with the same powers and authorities, and be liable to the same pains, penalties, and forfeitures, as the constable, tythingman, headborough, or other officer of any parish, tything, or place is invested with or subject and liable to by virtue of this Act.

Churchwardens and overseers in Sussex and Kent to make returns of men liable to serve, &c., and to have the same powers as constables in other places.

CLVII. AND whereas it may happen through neglect or otherwise that in some county, riding, or place the militia may not be raised according to the directions of this Act; and it is just and reasonable that all his Majesty's subjects should contribute equally towards the expence of raising and supporting a militia for the defence of the realm: Be it therefore further enacted, that the lieutenant or any three deputy lieutenants of every county, riding, and place, where the militia shall be raised according to the directions of this Act, shall on or before the twenty-fifth day of December in every year transmit a certificate to the clerk of the peace, containing an account of the names, number, and rank of the officers, and the number of non-commissioned officers, drummers, and private men of the militia of that year, and the time during which such militia hath been trained and exercised; and every such clerk of the peace shall deliver such certificate to the justices of the peace at their

Lieutenants, &c., to transmit certificates of the number, &c. of the militia to the clerks of the peace annually on or before Dec. 25, to be filed amongst the records of the quarter sessions.

general quarter sessions to be held next after the twenty-fifth day of December in every year, on the day on which such session shall be opened, and the same shall be filed amongst the records of such session; but where no such certificate shall be received by the clerk of the peace as aforesaid, he shall certify the same under his hand and seal to the justices so assembled, and such certificate of the said clerk of the peace shall be filed amongst the records of such session.

Where no certificate is received, a certificate thereof shall be made by the clerk of the peace, and filed.

CLVIII. AND be it further enacted, that in every county, riding, or place in which the full number of men required by or in pursuance of any of the provisions of this Act as the quota of such county, riding, or place shall not be raised and completed within six months after the passing of this Act, or after the same shall have been fixed and established by any subsequent order of his Majesty in council as herein-before directed, then and in every such case the sum of ten pounds shall be annually paid for and in lieu of every private militia man less than the quota of such county, riding, or place, who shall not have been raised within the time limited by this Act; and the justices of the peace and magistrates of every such county, riding, and place, assembled at the general or quarter sessions of the peace to be held next after the expiration of the said six months, shall, upon the receipt of the certificate of the lieutenant or three deputy lieutenants, which certificate he and they is and are hereby required to transmit to the clerk of the peace for such county, riding or place, in order to be laid before the said justices and magistrates respectively at such sessions, rate and assess the said sum of ten pounds per man aforesaid upon every such county, riding, or place; and in case at any future time the number of men required to be provided for the militia of any county riding, or place, according to the several provisions of this Act, shall not be provided within three calendar months after the lieutenant or any one of the three deputy lieutenants shall have had notice from or by the order of the commanding officer of any regiment, battalion, or corps of such militia of any such deficiency, then and in every such case the justices and magistrates aforesaid, assembled at the next general or quarter sessions of the peace holden for the county, riding, or place, after such deficiency shall have been made known to them by the lieutenant or deputy lieutenants as aforesaid, shall rate and assess the like sum of ten pounds for every man so deficient as aforesaid upon every county, riding, or place.

Where the quota of any county, &c. shall not be raised within a limited time, 10*l.* shall be paid for each man deficient, for which the justices in sessions shall make an assessment.

CLIX. AND be it further enacted, that the justices and magistrates aforesaid, in making any such rate and assessment upon the whole of any county riding, or place, shall apportion the sums so to be assessed as aforesaid, and rate and assess the same upon the several parishes and tythings in such county riding, or place in the same proportions in which the men for the militia are required to be raised by such parishes and tythings respectively, according to such appointment as may have been made thereof in pursuance of this Act, or to the last apportionment that shall have been made of men to be raised by each parish and tything.

Such assessments upon counties to be made on each parish, proportionally to the number of men it is required to raise.

CLX. AND be it further enacted, that when in any county, riding, or place such deficiency of men shall arise from the default of any particular parish or tything or parishes or tythings in such county, riding, or place, in the raising the proportion or respective proportions of men required to be raised by any such parish or tything or parishes or tythings, then and in such cases the

When the deficiency shall arise in any particular parish or parishes, the assessment shall be made thereon.

said justices and magistrates, in making such rate and assessment as aforesaid, shall rate and assess all and every such sum and sums of money upon such parish or tything or parishes or tythings that shall have so made default as aforesaid, in proportion to the number of men by which each of such parishes or tythings shall fall short of the number of men required to be raised therein.

Justices to transmit the amount of the sums assessed to the county treasurer, who shall give notice to the overseers of the poor, who shall pay the money out of the poor rates.

CLXI. AND be it further enacted, that the justices and magistrates of the several counties, ridings, and places, where any such rate and assessment shall be made as aforesaid, shall immediately after the making of any such rate and assessment as aforesaid transmit or cause to be transmitted the several amounts of the sums so assessed upon the several parishes and tythings to the treasurer or treasurers of such county, riding, or place; and such treasurer or treasurers shall, as soon as conveniently may be, cause notice thereof to be given to the respective overseers of the poor of the several parishes and tythings upon which any such rate or assessment shall have been made as aforesaid; and such overseers shall, within fourteen days after such notice as aforesaid of such rate or assessment, pay the amount of the rate or assessment made upon their respective parishes or tythings, out of any money in their or any of their hands of the rates for the relief of the poor; and if they or any of them shall not have sufficient of such money for that purpose, then such overseers shall and they are hereby required to make a rate sufficient to satisfy such rate and assessment; and it shall be lawful for the said overseers to levy and collect the same in such manner as rates made for the relief of the poor or any other rates made for the purposes of this Act may be levied and collected.

County treasurer to retain such money three months, and pay thereout bounties to any volunteers that the deputy lieutenants shall raise within that period for supplying deficiencies, and then pay the balance to the receiver general of the county.

CLXII. AND be it further enacted, that the treasurer or treasurers receiving any such sum or sums of money shall retain such sum or sums of money in his or their hands for three calendar months after the receipt thereof, and during the said period of three months it shall be lawful for any deputy lieutenant of the subdivision of the said county, riding, or place within which such parish, tything, or place shall be situate, to raise any volunteer or volunteers for such militia in lieu of such man or men as shall be so deficient as aforesaid, and to agree with every such volunteer for a bounty not exceeding the sum of ten pounds; and the deputy lieutenant before whom any such volunteer shall be duly examined, approved, sworn, and enrolled to serve in the militia, shall make an order upon such treasurer or treasurers for the payment of such bounty, and upon the production to such treasurer or treasurers of a certificate under the hands of such deputy lieutenants as aforesaid of any such volunteer having been duly examined, approved, sworn, and enrolled to serve in the militia, and of such order for the payment of such bounty as aforesaid, and of a certificate under the hands of the commanding officer of any regiment, battalion, or corps of militia of such county, riding, or place of such man having joined his regiment, battalion, or corps, such treasurer or treasurers shall and he and they is and are hereby respectively required to pay out of such money in his or their hands as aforesaid any sum of money not exceeding the said sum of ten pounds for each of such volunteers as aforesaid; and such treasurer or treasurers shall, at the expiration of three months after the receipt of such money as aforesaid, pay all sums of money as may have come into his or their hands for and on account of any such fines as aforesaid, and as shall not have been paid for

general quarter sessions to be held next after the twenty-fifth day of December in every year, on the day on which such session shall be opened, and the same shall be filed amongst the records of such session; but where no such certificate shall be received by the clerk of the peace as aforesaid, he shall certify the same under his hand and seal to the justices so assembled, and such certificate of the said clerk of the peace shall be filed amongst the records of such session.

Where no certificate is received, a certificate thereof shall be made by the clerk of the peace, and filed.

CLVIII. AND be it further enacted, that in every county, riding, or place in which the full number of men required by or in pursuance of any of the provisions of this Act as the quota of such county, riding, or place shall not be raised and completed within six months after the passing of this Act, or after the same shall have been fixed and established by any subsequent order of his Majesty in council as herein-before directed, then and in every such case the sum of ten pounds shall be annually paid for and in lieu of every private militia man less than the quota of such county, riding, or place, who shall not have been raised within the time limited by this Act; and the justices of the peace and magistrates of every such county, riding, and place, assembled at the general or quarter sessions of the peace to be held next after the expiration of the said six months, shall, upon the receipt of the certificate of the lieutenant or three deputy lieutenants, which certificate he and they is and are hereby required to transmit to the clerk of the peace for such county, riding, or place, in order to be laid before the said justices and magistrates respectively at such sessions, rate and assess the said sum of ten pounds per man as aforesaid upon every such county, riding, or place; and in case at any future time the number of men required to be provided for the militia of any county, riding, or place, according to the several provisions of this Act, shall not be provided within three calendar months after the lieutenant or any one of the three deputy lieutenants shall have had notice from or by the order of the commanding officer of any regiment, battalion, or corps of such militia of any such deficiency, then and in every such case the justices and magistrates as aforesaid, assembled at the next general or quarter sessions of the peace holden for the county, riding, or place, after such deficiency shall have been made known to them by the lieutenant or deputy lieutenants as aforesaid, shall rate and assess the like sum of ten pounds for every man so deficient as aforesaid upon every county, riding, or place.

Where the quota of any county, &c. shall not be raised within a limited time, 10*l.* shall be paid for each man deficient, for which the justices in sessions shall make an assessment.

CLIX. AND be it further enacted, that the justices and magistrates aforesaid, in making any such rate and assessment upon the whole of any county, riding, or place, shall apportion the sums so to be assessed as aforesaid, and rate and assess the same upon the several parishes and tythings in such county, riding, or place in the same proportions in which the men for the militia are required to be raised by such parishes and tythings respectively, according to such appointment as may have been made thereof in pursuance of this Act, or to the last apportionment that shall have been made of men to be raised by each parish and tything.

Such assessments upon counties to be made on each parish, proportionally to the number of men it is required to raise.

CLX. AND be it further enacted, that when in any county, riding, or place such deficiency of men shall arise from the default of any particular parish or tything or parishes or tythings in such county, riding, or place, in not raising the proportion or respective proportions of men required to be raised by any such parish or tything or parishes or tythings, then and in such cases the

When the deficiency shall arise in any particular parish or parishes, the assessment shall be made thereon.

said justices and magistrates, in making such rate and assessment as aforesaid, shall rate and assess all and every such sum and sums of money upon such parish or tything or parishes or tythings that shall have so made default as aforesaid, in proportion to the number of men by which each of such parishes or tythings shall fall short of the number of men required to be raised therein.

Justices to transmit the amount of the sums assessed to the county treasurer, who shall give notice to the overseers of the poor, who shall pay the money out of the poor rates.

CLXI. AND be it further enacted, that the justices and magistrates of the several counties, ridings, and places, where any such rate and assessment shall be made as aforesaid, shall immediately after the making of any such rate and assessment as aforesaid transmit or cause to be transmitted the several amounts of the sums so assessed upon the several parishes and tythings to the treasurer or treasurers of such county, riding, or place; and such treasurer or treasurers shall, as soon as conveniently may be, cause notice thereof to be given to the respective overseers of the poor of the several parishes and tythings upon which any such rate or assessment shall have been made as aforesaid; and such overseers shall, within fourteen days after such notice as aforesaid of such rate or assessment, pay the amount of the rate or assessment made upon their respective parishes or tythings, out of any money in their or any of their hands of the rates for the relief of the poor; and if they or any of them shall not have sufficient of such money for that purpose, then such overseers shall and they are hereby required to make a rate sufficient to satisfy such rate and assessment; and it shall be lawful for the said overseers to levy and collect the same in such manner as rates made for the relief of the poor or any other rates made for the purposes of this Act may be levied and collected.

County treasurer to retain such money three months, and pay thereout bounties to any volunteers that the deputy lieutenants shall raise within that period for supplying deficiencies, and then pay the balance to the receiver general of the county.

CLXII. AND be it further enacted, that the treasurer or treasurers receiving any such sum or sums of money shall retain such sum or sums of money in his or their hands for three calendar months after the receipt thereof, and during the said period of three months it shall be lawful for any deputy lieutenant of the subdivision of the said county, riding, or place within which such parish, tything, or place shall be situate, to raise any volunteer or volunteers for such militia in lieu of such man or men as shall be so deficient as aforesaid, and to agree with every such volunteer for a bounty not exceeding the sum of ten pounds; and the deputy lieutenant before whom any such volunteer shall be duly examined, approved, sworn, and enrolled to serve in the militia, shall make an order upon such treasurer or treasurers for the payment of such bounty, and upon the production to such treasurer or treasurers of a certificate under the hands of such deputy lieutenants as aforesaid of any such volunteer having been duly examined, approved, sworn, and enrolled to serve in the militia, and of such order for the payment of such bounty as aforesaid, and of a certificate under the hands of the commanding officer of any regiment, battalion, or corps of militia of such county, riding, or place of such man having joined his regiment, battalion, or corps, such treasurer or treasurers shall and he and they is and are hereby respectively required to pay out of such money in his or their hands as aforesaid any sum of money not exceeding the said sum of ten pounds for each of such volunteers as aforesaid; and such treasurer or treasurers shall, at the expiration of three months after the receipt of such money as aforesaid, pay all sums of money as may have come into his or their hands for and on account of any such fines as aforesaid, and as shall not have been paid for

and on account of any such volunteer as aforesaid in manner herein directed, to the receiver general of such county, riding, or place, to be applied and disposed of in like manner as directed by this Act.

CLXIII. AND whereas there are several cities, towns, and places which do not contribute to the payment of the said rate called the county rate, and doubts may arise whether such cities, towns, and places can be legally rated or assessed towards the payment of the rate or assessment to be laid in pursuance of this Act: Be it therefore enacted, that in all cases where the militia shall not be raised within any city, town, or place not rated to the county rate, the proportion of the said sum of ten pounds per man to be borne by such city, town, or place shall be raised, levied, and collected within such city, town, or place by a separate rate or assessment in like manner by the overseers of the poor, and by such and the like ways and means as the rates for the relief of the poor can or may be raised, levied, and collected; and such overseers of the poor shall from time to time pay over the same to the treasurer of the county, riding, or place with which such city, town, or place shall be joined or united for the purpose of raising the militia.

In places where there is no county rate, the assessments shall be raised as the poor rates are, and paid by the overseers to the treasurer of the county with which such places are united.

CLXIV. AND whereas there are some towns which lie in two counties or ridings, and doubts may arise whether such towns are obliged to pay to both counties or ridings towards raising the said money: Be it therefore further enacted, that where any town lies in two counties or ridings, or part thereof in a county and part in a riding, the proportion of the said money to be paid for such town in lieu of raising the militia as aforesaid shall be paid to the treasurer of the county or riding wherein the church of such town is situate.

Where a town lies in two counties the assessments shall be paid to the treasurer of that wherein the church stands.

CLXV. AND be it further enacted, that if any sum of money which ought to be paid by any city, town, or place not rated to the county rate as aforesaid shall not be paid to the treasurer of the county, riding, or place as aforesaid before the first day of June in every year, the justices of the peace for such county, riding, or place shall at their next Midsummer quarter sessions and they are hereby required (by their warrant directed to any constable or tything-man of every such parish and division) to cause the sum due from such parish under this Act, by reason of such men not being raised as aforesaid, to be levied by distress and sale of the goods and chattels of the respective overseers of the poor of every such parish and division, rendering the overplus (if any) to the owners of such goods and chattels, after such money and the reasonable charges attending such distress and sale shall be fully paid and satisfied; and all such overseers of the poor shall be reimbursed the money so levied on them respectively by the same ways and means as overseers of the poor are reimbursed the money by them expended for the relief of the poor by the laws now in being, and may make a rate for that purpose if necessary.

If the assessment for a place where there is no county rate be not paid to the county treasurer before June 1, yearly, it shall be levied by the next quarter sessions on the overseers.

CLXVI. AND be it further enacted, that every receiver general of the rates and duties under the management of the commissioners for the affairs of taxes, to whom any such money shall be paid, shall give a receipt for such money to the person or persons paying the same, which receipt shall be a sufficient discharge for such payment; and that when the whole sum directed to be raised in any county, riding, or place as aforesaid shall be paid into the hands of the receiver general in pursuance of this Act, such payment shall be a full discharge and indemnification to such county, riding, or place for the failure or neglect in raising and training the number of men of the militia for the

When the assessment upon any county is paid to the receiver general, it shall be indemnified for not raising its quota, and he shall, within ten days after receiving any such money, certify to the

year in respect whereof such payment shall be made; and every such receiver general shall, within ten days after the receipt of any such money, certify such receipt to the lord high treasurer or commissioners of his Majesty's Treasury, and forthwith pay the same into the receipt of his Majesty's Exchequer at Westminster; and the money so paid into the Exchequer shall be kept separate and apart from all other money, and shall be accounted for yearly to Parliament, and disposed of as Parliament shall direct; and no fee or gratuity whatsoever shall be given or paid to any officer of the Exchequer for or on account of receiving or issuing any such money; and the high treasurer or the commissioners of the Treasury, or any three or more of them, is and are hereby authorized to allow to the receiver general of any such county or place, upon the clearing of his accounts, such salary or reward for his pains and trouble in receiving and paying in such money as the said high treasurer or commissioners shall think proper, not exceeding twopence in the pound for so much money as he shall pay into the Exchequer in pursuance of this Act.

Treasury and pay the amount into the Exchequer, to be disposed of by Parliament.

The Treasury may allow to the receiver general of the county a reward for his trouble.

CLXVII. PROVIDED always, and be it further enacted, that the treasurer of every county, riding, or place, in which any such money shall be raised as aforesaid, shall be allowed for his pains and trouble the sum of one penny in the pound upon the whole sum so by him received and paid; which allowance every such treasurer is hereby authorized to detain in his hands out of the money so received by him, before payment made to the receiver general as aforesaid; and every high constable, petty constable, churchwarden, and overseer of the poor, who shall act in the raising and collecting of the said money, shall respectively be allowed and paid by such treasurer, as a recompence for their trouble therein, the sum of one penny in the pound of all such money, in the raising and collecting whereof they shall respectively act as aforesaid; and such treasurer is hereby authorised and required to deduct the same out of the money so received by him as aforesaid, and to pay the respective proportions thereof to such high constables or other officers aforesaid.

County treasurer may detain 1*d.* per pound of the money he receives, and shall make a like allowance to high constables, &c., out of such sums as they shall be concerned in collecting.

CLXVIII. AND be it further enacted, that the clerk of the peace for every county, riding, or place shall and he is hereby required within fourteen days next after the general quarter session of the peace to be held next after the twenty-fifth day of December yearly to transmit to the lord high treasurer or the commissioners of the Treasury, and also to the receiver general for such county, riding, or place, a copy signed by such clerk of the peace of every certificate which he shall have received from the lieutenant or any three deputy lieutenants of such county, riding, or place as aforesaid; and where such certificate shall be omitted to be delivered, the clerk of the peace shall certify such omission to the lord high treasurer or to the commissioners of the Treasury, and also to the receiver general, and that such clerk of the peace hath certified the same to the justices at such general quarter session and required such justices to proceed according to the directions of this Act, and such clerk of the peace shall also certify what proceedings have been had at such general quarter sessions in relation to the assessing and raising of the said money, where the militia shall not have been raised; and in case such justices shall omit, neglect, or refuse to proceed to raise the said money according to the directions of this Act, then the clerk of the peace of such county, riding, or place shall and he is hereby required within fourteen days next after such general quarter session of the peace, to certify to the solicitor of the

Clerks of the peace shall transmit annually copies of certificates received from the lieutenants, and where not delivered shall certify such omission to the Treasury, &c., and shall certify proceedings of justices in raising money, where militia is deficient, to the solicitor of the Treasury, who shall compel them to raise such money, if they have omitted to do so.

Treasury such omission, neglect, or refusal of such justices, and the names of the justices who shall be present at such session; and the solicitor of the Treasury is hereby required, on receipt of such certificate, forthwith to proceed, by all such legal ways and means as shall be most effectual and expeditious, to compel such justices to pay due obedience to this Act, and to cause the said money to be raised, collected, and paid.

If 10*l.* per man be not raised in any place, and paid into the Exchequer, the solicitor of the Treasury shall compel its being raised.

CLXIX. AND be it further enacted, that if the said sum of ten pounds per man to be raised and paid in any such county, riding, or place as aforesaid shall not be levied, collected, and paid into the Exchequer in manner hereinbefore directed, the solicitor of the Treasury is hereby required forthwith upon knowledge or information thereof to proceed, by all such legal ways and means as shall be most effectual and expeditious, to compel the levying and collecting of such money and the payment thereof into the Exchequer as aforesaid.

Penalty for neglect of duty by clerks of the peace, receivers general, treasurers, &c.

CLXX. AND be it further enacted, that if any clerk of the peace shall refuse or wilfully neglect to receive, deliver, file, make, record, or transmit any such certificates as aforesaid, according to the directions and true meaning of this Act, every such clerk of the peace so offending shall for every such offence forfeit and pay the sum of one hundred pounds, and shall also forfeit his office and be rendered incapable of having, receiving, or holding any office of trust, civil or military, under the Crown; and if any receiver general, treasurer, chief constable, petty constable, or other officer who ought to act and assist in the raising and collecting of the said money, shall wilfully omit or neglect or refuse to act or assist therein, according to the direction and true meaning of this Act, every such receiver general or treasurer so offending shall for every such offence forfeit and pay the sum of two hundred pounds, and every such chief constable so offending shall for every such offence forfeit and pay the sum of fifty pounds, and every such petty constable and other officer so offending shall for every such offence forfeit and pay the sum of twenty pounds; and the solicitor of the Treasury shall and he is hereby required with all due diligence to prosecute with effect all such justices of the peace, receivers general, treasurers, and other officers, who shall omit, neglect, or refuse to perform the duty required of them respectively by this Act touching the raising, collecting, and paying of the said money; and in case the solicitor of the Treasury shall wilfully omit or delay to proceed against any such justices of the peace, receivers general, treasurers, or other officers aforesaid, he shall for every such offence forfeit and pay the sum of five hundred pounds.

Solicitor of the Treasury to prosecute justices, &c. for neglect, on penalty of 500*l.*

Provisions of 24 Geo. 2. c. 44. to extend to lieutenants and deputy lieutenants.

CLXXI. AND be it further enacted, that the provisions of an Act passed in the twenty-fourth year of the reign of his late Majesty king George the Second, intituled "An Act for the rendering justices of the peace more safe in the "execution of their office, and for indemnifying constables and others acting in "obedience to their warrants," shall extend to all his Majesty's lieutenants and to all deputy lieutenants acting in the execution of this Act, in like manner and as fully and effectually as the same extend to justices of the peace acting in the execution of their office.

Commissions in militia not to vacate seats in Parliament.

CLXXII. AND be it further enacted, that the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in Parliament; . . . . . .

Militiamen going to vote at parliamen-

CLXXIII. AND be it further enacted, that no officer, non-commissioned officer, drummer, or private man of the militia shall be liable to any penalty

or punishment for or on account of his absence during the time he shall be going to vote at any election of a member to serve in Parliament, or during the time he shall be returning from such election. tary elections not punishable for absence.

CLXXIV. AND be it further enacted, that no serjeant, corporal, or drummer of the militia, nor any private man, from the time of his inrolment until he shall be regularly discharged from the militia, shall be compelled to serve as a peace officer or parish officer, ... Non-commissioned officers, drummers, and men not liable to serve as peace officers.

* * * * * * * * *

[CLXXVI.[a]] AND be it further enacted, that all fines, penalties, and forfeitures by this Act imposed, which shall exceed the sum of twenty pounds, shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or the courts of great session in the principality of Wales, or the courts of the counties palatine of Chester, Lancaster, and Durham (as the case shall require); wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed; and that all fines, penalties, and forfeitures by this Act imposed, which shall not exceed the sum of twenty pounds, shall, on proof upon oath of the offence before any justice of the peace of the county, riding, or place where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of sufficient distress such justice is hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county, riding, or place where the offence shall have been committed, for any time not exceeding three months; and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this Act, shall be paid to the clerk, or (where there are no clerks) to the commanding officers of the respective regiments, battalions, or other bodies of militia of the respective counties, ridings, or places where such offences shall have been respectively committed, and shall be made part of the public stock of such regiments, battalions, or other bodies of militia respectively. How penalties shall be recovered and how applied where not otherwise directed by this Act.

CLXXVII. AND be it further enacted, that no order of conviction made by any lieutenant of any county, riding, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant together with any one justice of the peace, or by any justice or justices of the peace, by virtue of this Act, shall be removed by certiorari out of the county, riding, division, city, town, or place wherein such order or conviction shall have been made into any court whatsoever; and that no writ of certiorari shall supersede execution or other proceedings upon any such order or conviction so made in pursuance of this Act; but that execution and other proceedings shall be had and made thereupon, any such writ or writs or allowance thereof notwithstanding. No order to be removed or superseded by certiorari.

CLXXVIII. AND be it further enacted, that if any action shall be brought against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed and not afterwards, and shall be laid in the county, riding, or place Limitation of actions.

[a] Rep., so far as relates to courts in the principality of Wales, or of the county palatine of Chester, Stat. Law Rev. Act, 1872.

General issue. where the cause of complaint did arise, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuit, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer Treble costs. judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

SCHEDULES to which this Act refers.

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SCHEDULE E.

SUBDIVISION of in the county of
RETURN of Inrolment, dated the day of

Parishes.	Names of Men.			Date of Inrolment.	Ages.	Classes.				
	Principal.	Substitutes.	Volunteers.			1st.	2d.	3d.	4th.	Last.
Islington	Sam[l]. Jones	—	—	Ap[l]. 21	30	✕				
C.	Tho[s]. Smith	Edw[d]. Jones	—	„ 22	—	–	✕			
D.	—	—	Tho[s]. Gray	„ 23	—	–	–	–	✕	
—	—	—	—	—	—			✕		
—	—	—	—	—						✕
Totals serving.										

Signed A. B. Clerk to Subdivision Meeting.

SCHEDULE F.

RETURN of Company in the of the Militia
of the county of dated the day of

Hundreds or Divisions.	Parishes.	Names of Men serving.			Ages.	Classes.				
		Principals.	Substitutes.	Volunteers.		1st.	2d.	3d.	4th.	Last.
H.	Islington	Sam. Jones	—	—	32		✕			
—	—	—	Tho. Grey	—	24				✕	
—	—	—	—	Tho. Smith	26	✕				
M.	H.	—	—	—	—		✕			
—	—	—	—	—	—		✕			
Totals										

Signed A. B. Captain of Company.

SCHEDULE G.

RETURN of Private Militia serving for the county of
Dated the day of

Description of Men.	No. of each.	Years of Service unexpired.					No. of Men in each Class.				
		1.	2.	3.	4.	5.	1st.	2d.	3d.	4th.	Last.
Principals - -											
Substitutes - -											
Volunteers - -											
Totals -											

A.B., Clerk to General Meetings.

N.B.—If the militia of any county, riding, or place is divided into more than one regiment, battalion, or corps, a separate return is to be made for each, and the description of the regiment, &c. put at the top of the return.

CHAPTER XCI.

An Act to raise and establish a Militia Force in Scotland.

[26th June 1802.]

WHEREAS a well-regulated militia has been found to be of great utility, and is of the utmost importance to the internal defence of the realm: And whereas the establishing of a militia force in Scotland, on a permanent footing, would essentially contribute to the safety of the United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, [a] that his Majesty may and shall from time to time constitute and appoint lieutenants for the counties, stewartries, cities, and places herein-after mentioned; and the several lieutenants so appointed shall have full power and authority and are hereby required to call together, arm, array, and caused to be trained and exercised such persons and in such manner as is herein-after directed, once in every year; and the said lieutenants severally shall from time to time constitute and appoint such persons as they shall think fit, being qualified as herein-after is directed, and living within their respective counties, stewartries, cities, and places, to be their deputy lieutenants (the names of such persons having been first presented to and approved by his Majesty); and the said lieutenants shall, in manner herein-after mentioned, also appoint a proper number of colonels, lieutenant colonels, majors, and other officers, qualified as herein-after directed, to train, discipline, and command the persons so to be armed and arrayed, according to the rules, orders, and directions herein-after mentioned; . . . . . .

His Majesty may appoint lieutenants of counties, &c., who shall call out the militia yearly, and appoint deputy lieutenants and officers.

[a] Sect. 1. rep., so far as relates to the qualifications of deputy lieutenants and of officers in the militia, Stat. Law Rev. Act, 1873.

Rank of officers.

and the officers so appointed for the militia, to be armed and arrayed as hereinafter directed, shall rank with the officers of such of his Majesty's regular forces as youngest of their rank.

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No deputy lieutenant to be appointed till his qualification be delivered to the clerk to the commissioners of supply, who shall transmit a copy to the lieutenant.

[VIII.[a]] AND be it further enacted, that no person shall hereafter be appointed to be a deputy lieutenant of any county, stewartry, city, or place, or be appointed to a higher rank in the militia than that of lieutenant, until he shall have delivered in to the clerk to the commissioners of supply of the county, stewartry, city, or place for which he shall be appointed, or (in the absence of the clerk of supply) to his deputy, a specific description in writing, signed by himself, of his qualification, stating the parish or parishes in which the estate or estates which form his qualification is or are situate; and the clerk of supply or his deputy shall transmit to the lieutenant of the county, stewartry, city, or place, a copy of such description; . . . . . .

Clerks of supply to enter qualifications upon a roll and insert dates of commissions, &c. in the London Gazette; and to transmit annually to the Secretary of State an account of qualifications to be laid before Parliament.

[IX.[b]] AND be it further enacted, that the clerk of supply of every county, stewartry, city, and place shall and he is hereby required to enter the qualifications transmitted to him according to the directions of this Act upon a roll to be provided and kept for that purpose, and to cause to be inserted in the London Gazette the dates of the commissions, and names and rank of the officers, together with the names of the officers in whose room they are appointed, in like manner as commissions in the army are published from the War Office; and he is hereby authorized to charge the expence of such insertion in the Gazette for each commission to the collector of the land tax of the county, stewartry, city, or place, who is hereby directed to pay the same; and the said clerk of supply or his deputy shall, in the month of January in every year, transmit to one of His Majesty's Principal Secretaries of State a complete account of the qualifications so left with him, and the Secretary of State receiving such account shall cause copies thereof to be annually laid before both Houses of Parliament; . . . . . .

Penalty on persons acting who are unqualified, or who have not delivered in their qualifications.

[X.[a]] AND be it further enacted, that if any person shall execute any of the powers hereby directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is hereinbefore required, every such person shall forfeit and pay the sum of two hundred pounds; and if any person shall execute any of the powers hereby directed to be executed by captains, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is hereinbefore required, every such person shall forfeit and pay the sum of one hundred pounds; one moiety whereof shall go to the use of the person who shall sue for the same; and in every action, suit, or complaint brought against any person for acting as deputy lieutenant, colonel, lieutenant colonel, major, or captain, not being qualified as herein-before directed, the proof of his qualification shall lie upon the person against whom the same is brought: Provided always, that nothing in this Act contained shall restrain or prevent any peer of this realm, or heir apparent of any such peer, from being appointed or acting as a deputy

Peers, or their heirs apparent, may act, though not

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[a] Rep., so far as relates to officers in the militia, Stat. Law Rev. Act, 1872.]

[b] Rep., so far as relates to the qualifications of officers in the militia, Stat. Law Rev. Act, 1872.]

lieutenant or a commissioned officer in the militia within the county, stewartry, city, or place, or counties, stewartries, cities, and places contributing to form one such battalion of militia as herein-after directed, wherein such peer, or heir apparent of such peer, shall have some place of residence, although he may not have the qualification herein-before required, or to oblige any peer of this realm, or heir apparent of such peer, who shall be appointed a deputy lieutenant or commissioned officer as aforesaid, to leave with the clerk of supply for the county, stewartry, city, or place for which he shall be appointed any qualification in writing as aforesaid. possessed of qualifications.

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[XII.[a]] AND be it further enacted, that his Majesty, his heirs and successors, may from time to time, as he and they shall think fit, signify his and their pleasure to his and their lieutenant of any county, stewartry, city, or place to displace all or any deputy lieutenants and officers in the militia; and thereupon his Majesty's respective lieutenants shall forthwith displace such deputy lieutenants or officers and appoint others within the same county, stewartry, city, or place with the like qualifications, and under and subject to the like provisions and restrictions, to serve in their stead. His Majesty may order lieutenants to displace deputy lieutenants or officers.

XIII. AND be it further enacted, that the lieutenant of every county, stewartry, city, and place shall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk if he shall think fit and appoint another in his room; and the deputy lieutenants within their respective subdivisions, or the major part of those present at any subdivision meeting, shall also from time to time appoint a clerk for their subdivisions, and may displace such clerk if they or the major part of them shall think fit, and appoint another in his room. Lieutenants and deputy lieutenants to appoint clerks of their meetings.

XIV. AND be it further enacted, that the number of private men (exclusive of serjeants, corporals, and drummers) to be raised by virtue of this Act shall be as follows; (videlicet) for the county of Edinburgh three hundred and thirty-three; for the city of Edinburgh three hundred and ten; for the county of Linlithgow ninety-four; for the county of Haddington one hundred and fifty-four; for the county of Berwick one hundred and fifty-five; for the county of Peebles forty-five; for the county of Selkirk twenty-five; for the county of Roxburgh one hundred and seventy-eight; for the stewartry of Kircudbright one hundred and fifty-one; for the county of Wigton one hundred and nineteen; for the county of Ayr four hundred and thirty-six; for the county of Renfrew four hundred and four; for the county of Lanark seven hundred and fifty-one; for the county of Stirling two hundred and sixty-three; for the county of Kinross thirty-five; for the county of Fife four hundred and eighty-four; for the county of Dunbarton one hundred and seven; for the county of Bute sixty-one; for the county of Argyle three hundred and sixty-four; for the county of Inverness three hundred and eighty-four; for the county of Perth six hundred and fifty-three; for the county of Forfar five hundred and eleven; for the county of Kincardine one hundred and thirty-six; for the county of Aberdeen six hundred and forty; for the county of Banff one hundred and seventy-nine; for the county of Elgin one hundred and thirty-eight; for the county of Nairn forty-three; for the county of Cromarty sixteen; for the county of Ross two hundred and seventy; for the county of Sutherland one hundred; for the county of Caithness one hundred and twenty-one; for the county of Dumfries two hundred and eighty-four; for the county of Clackmannan fifty-six. [Rep., Stat. Law Rev. Act, 1872.] Numbers of private men to be as herein specified.

XV. AND be it further enacted, that the numbers of private militia men herein-before appointed to serve for the several counties, stewartries, cities, and places aforesaid shall continue to be and remain the respective quotas of the several and The numbers of private men from time to time appointed

[a] Rep., so far as relates to the qualifications of deputy lieutenants and of officers in the militia, Stat. Law Rev. Act, 1873.]

by the Privy Council shall continue the quotas until others are settled.

respective counties, stewartries, cities, and places aforesaid until the twenty-fifth day of June one thousand eight hundred and five, and from thence until other quotas shall be settled, ascertained, and appointed by his Majesty's Privy Council, in manner herein-after directed [Rep., Stat. Law Rev. Act, 1872.]; and the several and respective quotas that shall at or after the expiration of the said first-mentioned period, and also from time to time at or after the expiration of every successive ten years after such period, be settled, ascertained, and appointed by his Majesty's Privy Council, under the provisions of this Act, shall, from the appointment thereof, continue to be and remain the respective quotas of the several and respective counties, stewartries, cities, and places aforesaid, after which any such subsequent quotas shall have been appointed, until other quotas shall be settled, ascertained, and appointed under this Act.

Regulations for holding general meetings of lieutenancy.

XVI. AND be it further enacted, that general meetings of the lieutenancy of every county, stewartry, city, and place shall be holden in some principal town of every such county, stewartry, city, and place; and such general meetings shall consist of the lieutenant, together with two deputy lieutenants at the least, or on the death or removal or in the absence of the lieutenant, then of three deputy lieutenants at the least, of every county, stewartry, city, and place respectively, and one such general meeting shall be holden within every county, stewartry, city, and place annually upon the last Tuesday which shall happen before the first day of August in every year; and the lieutenant together with any two deputy lieutenants, or (on the death or removal or in the absence of the lieutenant) any three deputy lieutenants of any county, stewartry, city, or place, when and as often as they shall find necessary for carrying the purposes of this Act duly and fully into execution, may summon or cause to be summoned other general meetings of the lieutenancy, on any days to be fixed by such summons, of which days and the places of holding such meetings respectively notice shall be given in any weekly or other newspaper usually circulated in such county, stewartry, city, or place, fourteen days at the least before the days appointed for holding such meetings respectively; . . . . . and in case any annual or other general meeting shall not be attended by the lieutenant and two deputy lieutenants or by three deputy lieutenants, as herein-before required, the lieutenant, or any one deputy lieutenant who shall attend at such meeting, shall and may adjourn the same to any other time and to any place within such county, stewartry, city, or place; and in case no deputy lieutenant shall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, shall adjourn such meeting to any other time to be holden at the same place.

Subdivision meetings to consist of two deputy lieutenants at the least, or of one deputy lieutenant and a justice of the peace.

XVII. AND be it further enacted, that meetings of the deputy lieutenants for the subdivisions of their respective counties, stewartries, cities, and places shall be holden as herein-after directed; which subdivision meetings shall consist of two deputy lieutenants at the least: Provided always, that at any subdivision meeting appointed according to the directions of this Act, where two deputy lieutenants do not attend, it shall be lawful for any one deputy lieutenant, together with any one justice of the peace of the county, stewartry, city, or place within which such subdivision lies, to do all acts, matters, and things which are by this Act directed to be done by deputy lieutenants at their respective subdivision meetings; and all such acts, matters, and things so done by any such deputy lieutenant and justice of the peace shall be as good, valid, and effectual in the law to all intents and purposes as if they had been

done by two deputy lieutenants of such county, stewartry, city, or place, any thing in this Act to the contrary hereof notwithstanding.

Clerk to give notice of subdivision meetings to the deputy lieutenants, and also to the commanding officer, and an account of the days for receiving lists, ballotting, enrolling, &c.

XVIII. AND be it further enacted, that the respective clerks of the subdivision meetings shall, as soon as conveniently may be after any such subdivision meeting shall have been appointed, give notice in writing of the time and place of meeting to such of the deputy lieutenants who shall be resident within such subdivision as he conveniently can, and also to the commanding officer of the regiment or battalion, if on actual service, or (if not on actual service) to the colonel or other commandant thereof, or, in case of his absence from Great Britain, to the next commanding officer within Great Britain, by notice addressed to the adjutant, and an account of the several days fixed for receiving lists and for ballotting and for inrolling the militia men within such subdivision; and shall, as soon as the militia men are inrolled, likewise transmit to the colonel or other commandant, or to the commanding officer as aforesaid, in manner aforesaid, a list specifying the names, trades, and usual places of abode of all such militia men as are inrolled, and, where there are substitutes, the names, trades, and places of abode of the persons in the room of whom such substitutes were inrolled.

When two deputy lieutenants, or one and a justice, do not attend, another meeting to be appointed.

XIX. AND be it further enacted, that if it shall happen that there shall not appear at any subdivision meeting two deputy lieutenants, or one deputy lieutenant and one justice of the peace, the clerk of such meeting shall, by notice to be given in writing to all the deputy lieutenants within such subdivision, or left at their respective places of abode, appoint another meeting to be held within fourteen days at the same place where such meeting was to have been holden, such notice being given five days at the least previous to such meeting.

General meetings to appoint subdivision meetings, and require the schoolmasters or chief constables to order a return to be made to the deputy lieutenants of men between the ages of 18 and 45.

XX. AND be it further enacted, that the lieutenant and deputy lieutenant, or the deputy lieutenants, at every annual or some other general meeting to be holden as herein-before directed, shall appoint the first meeting of the deputy lieutenants for the several subdivisions of their respective counties, stewartries, cities, and places, which said first meetings shall be appointed to be held as early after the first day of August in every year as conveniently may be, or at such other time as may be most expedient for carrying the purposes of this Act fully and duly into execution; and the said lieutenant and deputy lieutenant, or the said deputy lieutenants, may, if they judge needful, appoint the time and place for a second general meeting, and shall issue out their orders to the schoolmaster of each parish, or to the chief constable, and, where there is no chief constable, to some other officer of the several districts, parishes, or other divisions within their respective counties, stewartries, cities, and places, requiring every such schoolmaster, chief constable, or other officer as aforesaid to issue an order under his hand to all constables or other officers of every parish or place within their respective counties, stewartries, cities, or places, to return to the deputy lieutenants within their respective subdivisions, at the places and on the days appointed at the first general meeting in every year, fair and true lists in writing, in manner by this Act directed, of the names of all the men usually and at that time dwelling within the respective parishes and places for which they shall respectively act under the provisions and in the execution of this Act, between the ages of eighteen and forty-five years.

Schoolmasters, &c. to give notice in the form in the annexed schedule (A.) to housekeepers, &c. to produce lists containing certain particulars.

XXI. AND be it further enacted, that the several schoolmasters, constables, and other officers and persons required to return lists of persons fit and liable to serve in the militia shall, within fourteen days after any such returns shall be required, give or leave notice in writing, in the form in the schedule to this Act annexed marked (A.), to or for every occupier of every dwelling house where any person shall reside within the limits of the places for which they act as such schoolmasters, constables, or other officers as aforesaid in the execution of this Act or any of the provisions thereof, at his or her dwelling house, or, where such dwelling house shall be divided into different stories or apartments and occupied distinctly by several persons, then to or for the occupier of each distinct story or apartment, to prepare or produce, within fourteen days next ensuing the day of giving such notice, a list in writing, to the best of his or her belief, of the christian and surname of each and every man resident in such dwelling house or distinct story or apartment between the ages of eighteen and forty-five, distinguishing every person in such dwelling house or distinct story or apartment of such age as aforesaid claiming to be exempt from serving in the militia, together with the ground of every such claim of exemption, and every such notice shall mention the day, time, and place appointed for hearing appeals within such subdivision by persons claiming to be exempt from serving in the militia; and every such occupier shall, after such notice so given or left, make out such list, and sign the same with his or her own name, and shall deliver the same or cause the same to be delivered to such schoolmaster, constable, or other officer or person as aforesaid; and if any occupier shall neglect or refuse to make out, sign, and deliver such list as aforesaid within the time before limited, or shall omit any person who ought to have been included therein in pursuance of this Act, or knowingly make any false return of any particular required therein, every such occupier shall for every such offence forfeit and pay a sum not exceeding the sum of five pounds.

Penalty of 5*l.* for not duly delivering lists, or making false returns.

Manner of proceeding where houses are occupied by Quakers.

XXII. AND be it further enacted, that in every case where any notice shall be served upon any occupier being one of the people called Quakers, such occupier shall, within seven days after the service of such notice, produce to the schoolmaster, constable, or other officer a certificate under the hands of two or more reputable housekeepers, being of the people called Quakers, acknowledging such person to be one of their persuasion; and that in all such cases such schoolmasters, constables, or other officers are hereby required to make returns of the persons liable to serve in the militia resident in the houses, stories, or apartments of such occupiers so certified to be of the people called Quakers, in the same manner as is directed by this Act in cases where returns are not made to such notices as aforesaid.

Schoolmasters, &c. to make out yearly lists, according to the form in schedule (B.) of the names of men between the ages of 18 and 45 within their respective districts, and affix a copy

XXIII. AND be it further enacted, that the schoolmasters, constables, or other officers of every parish or place shall, within one month after having delivered such notices as aforesaid, make out in every year a fair and true list in writing, according to the form in the schedule to this Act annexed marked (B.), of the names of all the men usually and at that time dwelling within the respective parishes and places for which they shall respectively act in the execution of the provisions of this Act between the ages of eighteen and forty-five years, as well of those who have not made any return or been returned in pursuance of such notices as aforesaid, as of those who shall have made such

returns or been returned in pursuance thereof, distinguishing their respective ranks and occupations, and those who have made returns to such notices from those who have neglected to make such returns, (and where the true names of such persons cannot be procured the common appellation of such person shall be sufficient), and distinguishing which of the persons so returned labour under any infirmity likely to incapacitate them from serving as militia men, and which of them claim to be exempt from serving in the militia, and on what account; and shall affix a true copy of every such list on the door of the church or chapel belonging to every such parish or place, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereto adjoining, some one Sunday morning before they shall make the return to the deputy lieutenants as directed by this Act, which Sunday shall be three days at the least before the meeting of deputy lieutenants at which such return is to be made, and also notice in writing at the bottom of the said copy of such list of the day and hour and place of meeting for hearing appeals under this Act, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterwards received; and shall afterwards make a return of such list as aforesaid, or a true and exact copy thereof, to the deputy lieutenants of the subdivision.

on the church door, with notice of the meeting for hearing appeals;

and send a copy to the deputy lieutenants.

XXIV. AND be it further enacted, that if any person whose name shall be inserted in any list in pursuance of this Act shall think himself aggrieved thereby, or by the omission of any other name or names, or shall claim to be exempted from serving in the militia, it shall be lawful for such person and he is hereby required to appeal to the subdivision meeting appointed to be held for hearing such appeals; and any two or more of the said deputy lieutenants are hereby empowered and required to hear and determine all such appeals; and if the same cannot be heard on the day first appointed, to adjourn to any other day or days; and the determination of any two deputy lieutenants, if only two are then and there assembled, or of the major part of them, if more than two are assembled, shall be final to all intents and purposes; and no appeal shall be afterwards heard or allowed, or any exemption whatever claimed or admitted, by or on behalf of any person or persons whatever.

Persons aggrieved may appeal to the subdivision meetings, and the determination thereat shall be final.

XXV. AND be it further enacted, that on the days and at the places so respectively appointed as aforesaid for the returns of the lists, the schoolmasters, constables, or other officers respectively shall attend and verify the said returns upon oath; and the said deputy lieutenants or any two or more of them assembled in their respective subdivisions shall, after hearing any appeals or claims of exemption, direct such lists to be amended as the case shall require, and shall also direct the names of all persons by this Act respectively exempted from serving in the militia to be struck out, and the names of any persons that shall have been omitted to be inserted, and, after amending the said lists according to this Act, shall appoint the times and places for their second meetings within their respective subdivisions, and shall return to the clerk of the general meetings, for the use of the said general meetings, certificates under their hands, in the form in the schedule to this Act annexed marked (C.), of the number of men in each parish or place between the ages of eighteen and forty-five years, distinguishing the numbers of men liable to serve, and also the number of men exempt from serving, in each

Schoolmasters, &c. shall attend and verify lists on oath; and deputy lieutenants shall amend lists, and appoint second meetings, and return to the clerk of the general meetings certificates in the form in schedule (C.)

parish or place within the subdivisions; and the same shall be kept by the clerk for the use of the general meetings.

Penalty of 50*l.* for endeavouring to prevail on schoolmasters, &c. to make false returns; and of 10*l.* on persons refusing to tell their names or the names of lodgers, or giving false names.

XXVI. AND be it further enacted, that any person who shall, by gratuity, gift, or reward, or by promise thereof, or any indemnification, or by menaces, or otherwise, endeavour to prevail on any schoolmaster, chief constable, constable, or other officer, to make a false return of any list for any parish or place, or to erase or leave out of any such list the name of any person who ought to be returned to serve as a militia man, every such person shall for every such offence forfeit and pay the sum of fifty pounds; and if any person shall refuse to tell his christian and surname, or shall falsely tell a christian or surname, pretending the same to be his true christian or surname, or shall refuse to tell the christian or surname of any man lodging or residing within his or her house, or shall knowingly tell any false name, pretending it to be the true name of any such person, to any schoolmaster, constable, or other officer authorized by this Act to demand the same, every such person shall forfeit and pay the sum of ten pounds.

Deputy lieutenants may issue orders for the attendance of constables, &c., and if any shall neglect to appear, or if any chief constable, &c. shall not return lists, &c., he may be committed to gaol, or fined.

XXVII. AND be it further enacted, that it shall be lawful for the deputy lieutenants within any subdivision, or any two or more of them, from time to time to issue their order or warrant under their hands, requiring the attendance of the constable or other officer of any parish or place within such subdivision, at such time and place as in such order or warrant shall be expressed; and if any such constable or other officer shall refuse or neglect to appear according to such order or warrant, or if any chief constable or other officer of any county, stewartry, city, or place, or any constable or other officer of any parish or place shall refuse or neglect to return any such list as before directed, or to comply with such orders and directions as he shall from time to time receive from the said deputy lieutenants, or any two or more of them, in pursuance of this Act, or shall in making such return be guilty of any fraud or wilful partiality or gross neglect in his duty, the said deputy lieutenants, or any two or more of them, are hereby empowered and required to commit the person so offending to the common gaol, there to be kept without bail or mainprize for the space of one month, or at their discretion to fine such person in any sum not exceeding twenty pounds nor less than forty shillings.

Two justices may appoint deputies to Quakers for carrying this Act into execution.

XXVIII. PROVIDED always, and be it further enacted, that if any chief or other constable shall be of the people called Quakers (and certified to be so by two persons of the people called Quakers), and shall neglect or refuse to perform the duties required by this Act, it shall be lawful for any two justices of the peace acting for the division within which such Quaker shall be such officer as aforesaid, and they are hereby required, in all cases where the circumstances of the case shall in their judgment render it expedient and necessary for the due execution of the provisions of this Act, by their order under their hands to appoint a fit and proper person to be deputy to such Quaker, for the purpose only of carrying this Act into execution; and every person so appointed deputy as aforesaid shall have and exercise all the powers, authorities, and jurisdiction given by this Act to such officer for whom he shall so act, and shall do and perform all the like duties and offices under the like pains, penalties, and forfeitures as are hereby imposed for neglect of duty of any such officer as aforesaid, in like manner in every respect as the person for whom he shall so act; and where an appointment of any deputy shall be so

made, the principal chief constable (being one of the people called Quakers) shall be and he is hereby discharged from the performance of any duty required by him by this Act, and from all penalties incurred for neglect thereof after the time of such appointment.

Two or more places, and the lists for them, may be added together, and the schoolmasters, &c. shall act together as if they were officers of the same parish.

XXIX. AND be it further enacted, that it shall be lawful for the deputy lieutenants at their subdivision meetings to add together whenever they shall think it necessary any two or more parishes or places for the purposes of this Act, and also to add together the lists of such parishes and places aforesaid, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible; and where any parishes and places so added together shall lie in different districts or divisions within the same county, stewartry, city, or place, to direct in what district or division the same shall be considered for the purposes of this Act; and the said deputy lieutenants shall proceed upon the lists so added together in like manner as if they had been originally returned from one parish as aforesaid; and the schoolmasters, constables, or other officers of parishes and places so added together shall act together in the execution of this Act as if they were respectively officers of one and the same parish or place; and all such schoolmasters, constables, and officers so as aforesaid acting together by virtue of this Act shall hold their meetings under this Act in the parish or place which shall be named first in such order of deputy lieutenants; and if any difference or disagreement shall arise between the officers of any parish or place or between the officers of different parishes or places touching the execution of this Act, the deputy lieutenants acting in and for the subdivision where such difference or disagreement shall happen shall at any subdivision meeting and they are hereby authorized to hear and determine the same, and make such order therein for the better execution of this Act as to them shall seem meet, and such orders shall be final and conclusive.

Deputy lieutenants to hear and determine differences between parish officers.

Clerks of subdivision meetings shall transmit copies of rolls. Penalty for default, or for making false returns.

XXX. AND be it further enacted, that the clerks of all subdivision meetings shall, within fourteen days after every subdivision meeting, transmit to the clerk of the general meetings of the county, stewartry, city, or place, fair and true copies of such rolls as shall be signed at such subdivision meeting; and if any such clerk shall omit or neglect to make such return as aforesaid within such period as aforesaid, or shall knowingly or wilfully make any false return, such clerk shall forfeit and pay for every such offence the sum of twenty pounds.

Clerks to general meetings shall transmit to the Privy Council annual returns in the form in schedule (D.).

Penalty for default, or for making false returns.

XXXI. AND be it further enacted, that the clerks to the general meetings of lieutenancy in the several counties, stewartries, cities, and places required to raise militia under this Act shall and they are hereby required to transmit to his Majesty's Privy Council annually, as soon after the returns in the form in the schedule to this Act annexed marked (D.) of men shall have been made to the general meetings as the same can be done, accurate returns of the number of persons between the ages of eighteen and forty-five, distinguishing the number fit and liable to serve in the militia for the counties, stewartries, cities, and places to which they respectively belong, and also the number therein exempt from serving; and if any such clerk shall omit or neglect to make such return to the Privy Council within one month after the general meeting of lieutenancy of the county, stewartry, city, or place to which he shall belong, at which the returns of men shall have been laid before such

meeting, or shall knowingly or wilfully make any false return, such clerk shall forfeit and pay for every such offence the sum of one hundred pounds.

The Privy Council, by June 25, 1805, and afterwards every 10 years, shall fix the quota of men to serve for each place, and transmit the numbers to the lieutenants.

XXXII. AND be it further enacted, that it shall be lawful for his Majesty's Privy Council and they are hereby required, on or before the twenty-fifth day of June one thousand eight hundred and five, and afterwards from time to time at the expiration of every succeeding period of ten years as aforesaid, to take into consideration the number of men fit and liable to serve in the militia in each county, stewartry, city, and place required by this Act to raise militia, and forthwith to ascertain, settle, and fix the number of militia men who shall for the next succeeding ten years serve for each county, stewartry, city, and place aforesaid, as near as may be by the proportion that the number of men fit and liable to serve in each county, stewartry, city, and place shall bear to the whole number of militia men by this Act directed to be raised, and shall thereupon transmit the number so fixed and settled as aforesaid to the respective lieutenants of the counties, stewartries, cities, and places aforesaid, and shall cause notice of the same to be thrice printed in the London Gazette.

Where the number fixed shall be greater than the former quota, the general meeting shall appoint what number shall be chosen for each division, and where less, shall dismiss the excess by ballot.

XXXIII. AND be it further enacted, that where the number of militia men so fixed and settled for any county, stewartry, city, or place shall be greater than the former quota of such county, stewartry, city, or place, then and in every such case the lieutenant for such county, stewartry, city, or place, together with any two or more deputy lieutenants, and on the death or removal or in the absence of the said lieutenant any three or more deputy lieutentants, shall at a general meeting to be holden for that purpose appoint what number of militia men shall serve for each respective parish or other division within such county, stewartry, city, or place; and the additional number of militia men to make up the whole number so fixed and settled as aforesaid shall be provided or chosen in the same manner as other militia men are by this Act to be provided or chosen; and all the additional men so provided or chosen as aforesaid or their substitutes and also all volunteers shall take the oath by this Act required to be taken, and shall be inrolled or sign their consent to serve in the militia in such manner as is directed by this Act, and in case of refusal shall be subject to the same penalties as in like cases are inflicted by this Act: Provided always, that where the number of militia men so fixed and settled for any county, stewartry, city, or place as aforesaid shall be less than the former quota of such county, stewartry, city, or place, then and in every such case the said lieutenants together with any two or more deputy lieutenants, or (on the death or removal or in the absence of the said lieutenant) any three or more deputy lieutenants, shall, at a general meeting to be held for that purpose, dismiss to their own homes by ballot, proportionally out of each respective parish or other division, so many militia men as shall exceed the number so fixed and settled as aforesaid; and the several persons so dismissed as aforesaid shall remain liable to serve in the militia, and shall and are hereby required to join any regiment or battalion of militia serving for the county, stewartry, city, or place from the militia of which they shall have been dismissed, whenever called upon so to do, for the purpose of supplying vacancies that may arise in the said militia; and the names of all the persons so dismissed as aforesaid shall be entered in a list; and the deputy lieutenants shall cause the men necessary for supplying any vacancies that may thereafter arise in the militia of such county, stewartry,

Men dismissed shall be liable to serve, and their names shall be entered in a list, out of which vacancies shall be filled up by ballot, and those ballotted shall serve for the remainder

city, or place to be ballotted for out of the persons contained in any such list as aforesaid, while fit persons can be found to supply such vacancies, and so from time to time as occasion shall require, so long as any of the persons contained in any such list can be found fit to supply such vacancies as aforesaid; and every person so ballotted to supply such vacancy who shall not be unfit by reason of sickness or bodily inability shall serve in the militia of such county, stewartry, city, or place upon the conditions and for the remainder of the time for which such person shall have been engaged to serve in such militia before he was dismissed as aforesaid; and whenever and as soon as all persons returned in any such list that can be found fit to supply such vacancies as aforesaid shall by ballot have supplied such vacancies as aforesaid, then and in every such case the men necessary for supplying such future vacancies as may arise in such militia shall be raised, chosen, and ballotted for in manner directed by this Act.

of the time for which they were engaged before dismissal.

XXXIV. AND be it further enacted; that the lieutenants of any county, stewartry, city, or place, together with any three or more deputy lieutenants, or (on the death or removal or in the absence of any lieutenant) any five or more deputy lieutenants, may, at any general meeting holden as before directed, alter the appointed subdivisions within such county, stewartry, city, or place if they shall see occasion, and also may alter the established allotment of the number of men in each respective parish or other division to serve in the militia towards raising the number of militia men by this Act, or by his Majesty's Order in Council, as the case may be, directed to be raised for such county, stewartry, city, or place according to the numbers contained in the respective certificates received from the several subdivision meetings.

General meetings may alter subdivisions, and the allotment of men in each division.

XXXV. AND be it further enacted, that the deputy lieutenants assembled at their said second meeting within any subdivision as aforesaid shall appoint what number of men shall serve for each parish and place within such subdivision in proportion to the number last appointed in the manner hereinbefore directed at a general meeting to serve for each parish or other division, and shall appoint another meeting to be holden within three weeks from the day on which such meeting was holden within the same subdivision, and shall issue out an order to the chief constable or other officers of the respective counties, stewartries, cities, or places, and to the schoolmaster and constable or other officer of every parish or place within their respective counties, stewartries, cities, or places, of the number of men so appointed to serve for such parish or place, and of the time and place of the next subdivision meeting; and the said deputy lieutenants, or any two or more of them, assembled in pursuance of such appointments, shall cause the number of men appointed to serve as aforesaid to be chosen by ballot out of the list returned for every parish or place aforesaid in manner following; that is to say, the names of all the men contained in such list so returned for each parish or place, written or printed on distinct pieces of paper, being all as nearly as may be of equal size and rolled up in the same manner, shall be put into a box or some other vessel and shall there be shaken together, and then a number of names equal to the quota to be furnished by such parish or place shall be drawn out and opened by the person presiding at the meeting; and shall in like manner proceed to ballot for each parish or place within their subdivision; and at the meeting at which the militia men to serve for each parish or place within their subdivi-

At the second subdivision meeting, the deputy lieutenants shall appoint the number of men to serve for each parish, &c., and shall cause notice to be given thereof, and of the next meeting, and shall cause the number to be ballotted for, &c.

sion shall have been so ballotted for, the said deputy lieutenants shall appoint another meeting to be holden within three weeks for the same subdivision, and shall issue out an order to the chief constables or other officers of the respective counties, stewartries, cities, and places, and to the schoolmaster, constable, or other officer of every parish or place, to give notice to every man so chosen to serve in the militia to appear at such meeting, which notice shall be given or left at his place of abode at least seven days before such meeting; and such schoolmaster, constable, or other officer shall attend such meeting and make such return upon oath of the days when such notice was served; and every person so chosen by ballot shall upon such notice appear at such meeting, and if on examination found able and fit for the service, and approved of in manner herein-after directed, shall then and there take the following oath; (that is to say,) [a]

Persons chosen by ballot shall be enrolled to serve for five years.

. . . . . .

And every such person shall be then and there inrolled (in a roll to be then and there prepared for that purpose) to serve in the militia of such county, stewartry, city, or place as a private militia man for the space of five years.

Substitutes may be produced, and, if approved, shall be enrolled.

XXXVI. PROVIDED always, that if any person so chosen by ballot shall produce for his substitute a man of the same county or counties, stewartries, cities, or places forming a battalion as herein-after directed, or of some adjoining county, stewartry, city, or place, able and fit for service, and who shall be examined and approved in manner herein-after directed, such substitute so produced and approved shall be inrolled to serve in the militia of such county, stewartry, city, or place as a private militia man for the space of five years, and also for such further time as the militia shall remain embodied, if within the space of five years his Majesty shall order and direct the militia for which such man is inrolled to be drawn out and embodied as herein-after provided; and such substitute shall take the following oath [a]

. . . . . .

And any person so chosen by ballot for whom such substitute shall have been so produced, approved, inrolled, and sworn as aforesaid, shall be exempt from service in the militia in the same manner as if he himself had served according to the directions of this Act.

The inhabitants of any place may produce volunteers, who, if approved, shall be sworn and enrolled.

[XXXVII.[a] AND be it further enacted, that if the inhabitants of any parish or place shall provide and produce to the said deputy lieutenants or any two or more of them, at any subdivision meeting for choosing the militia men by ballot, any volunteer or volunteers who shall be examined and approved as is herein-after mentioned, such volunteer or volunteers so examined and approved shall be then and there sworn in and inrolled to serve for such term and on the same conditions as is herein-before provided in case of substitutes produced by persons chosen by ballot; and the said deputy lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish or place as shall be then wanted to make up the whole number to serve for such parish or place.

Certain persons exempt from service.

XXXVIII. AND be it further enacted, that no peer of this realm, nor any person being a commissioned officer in his Majesty's other forces, or in any one

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[a] So much of this Act as prescribes the form of oath to be taken by persons ballotted and by substitutes and volunteers raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.]

of his Majesty's castles or forts, nor any officer on the half pay of the navy, army, or marines, nor any non-commissioned officer or private man serving in any of his Majesty's other forces, nor any commissioned officer serving or who shall have served four years in the militia, nor any person being a professor of any of the four universities, nor any licensed clergyman, nor any parish schoolmaster, nor any teacher licensed within the county, stewartry, city, or place to teach in some separate congregation, whose place of meeting shall have been duly registered within the twelve months previous to the general meeting appointed to meet in August for the purposes of this Act, nor any constable or other peace officer, nor any apprentice, seaman, or seafaring man, nor any person employed and mustered in his Majesty's service in any of his Majesty's forts or castles, nor any man who has more than two lawful children and who is not possessed of an estate in lands, goods, or money of the clear value of fifty pounds sterling, and who shall make oath that he is not seised or possessed of such estate, shall be liable to serve personally or provide a substitute to serve in the militia; and no person having served personally or by substitute according to the directions of this Act, or of any former Act for raising a militia in Scotland, shall be obliged to serve again until by rotation it shall come to his turn; but no person who has served only as a substitute or volunteer in the militia shall by such service be exempted from serving again if he shall be chosen by ballot.

As to persons who have already served. As to substitutes.

XXXIX. AND be it further enacted, that if through the neglect or mistake of any chief constables, schoolmasters, constables, or other officers, or from any other cause, the full number of men appointed for any subdivision should not be duly inrolled at the meeting appointed for that purpose as before directed, then the deputy lieutenants at their said meeting, or any two or more of them, may and they are hereby required immediately to cause the lists to be amended, and to proceed to a fresh ballot, and to adjourn their meeting or appoint other meetings, and repeat the amending of the lists, as may be necessary and expedient for carrying the purposes of this Act duly and fully into execution; and it shall be lawful for any one deputy lieutenant to administer the oath herein-before required to be taken by persons to serve in the militia to any person ballotted, or to any person offering as a volunteer under the directions of this Act, or to any person who, being qualified as this Act requires, shall offer to serve as a substitute, such ballotted man, volunteer, or substitute having been duly examined and approved as is herein-after mentioned; and such deputy lieutenant is hereby authorized to direct and require the clerk of the subdivision for which every such person by whom the said oath has been before him taken is to serve to inrol the name of every such person so having been duly examined and approved as aforesaid, together with the date of the day on which the said oath was so administered to him, in the roll of such subdivision.

Deputy lieutenants may cause lists to be amended, and proceed to a fresh ballot, and may administer oaths, &c.

XL. AND be it further enacted, that if any person chosen by ballot according to the directions of this Act to serve in the militia (not being one of the people called Quakers) shall refuse or neglect to appear and take the said oath and serve in the militia, or to provide a substitute, to be examined and approved as herein-after mentioned, who shall take the said oath and sign his consent to serve as his substitute, every such person so refusing or neglecting

Persons chosen (except Quakers), and not appearing, &c., to forfeit 10*l.*

shall forfeit and pay the sum of ten pounds, and at the expiration of five years be liable to serve again or provide a substitute; and in default of payment of such penalty, or for want of sufficient effects whereon to levy the same, the name of such person shall be entered on the roll, and such person shall be delivered over to some proper officer of the regiment or battalion for which he was ballotted, and shall be compelled to serve for such term, to be computed from the time of his being apprehended, as any other person who should be then ballotted for would be compellable to serve, and shall be subject to the same punishments for afterwards absconding or deserting as he would have been subject to in case he had appeared and been duly sworn and inrolled as a militia man.

If penalty be not paid, the person shall be compelled to serve.

If any lists be lost, new ones shall be made out.

XLI. AND be it further enacted, that if the list of any parish or place shall be lost or destroyed, it shall be lawful for the said deputy lieutenants, or any two or more of them, to cause a new list in such parish or place to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made, and ought to have been returned to them by direction of the general meeting.

Persons chosen shall serve though they remove, and those having more than one residence shall serve where their names were first inserted in the list.

XLII. AND be it further enacted, that every person chosen by ballot to serve in the militia shall be liable to such service although he may have removed from the place where his name was inserted in the list, provided he was residing in such place at the time when the list was according to the directions of this Act prepared; and every person liable to serve in the militia, having more than one place of residence, shall serve for the county, stewartry, city, or place where his name shall have been first inserted in such list as aforesaid; and the clerk to the subdivision meeting to which such list shall be returned shall, if such person requires the same, grant a certificate gratis, under his hand, that such person's name was inserted in such list, and specifying the time when such list was made and returned.

Parish in more than one county, &c. to be deemed in county in which the parish church is situated.

XLIII. AND be it further enacted, that where any parish shall lie in two or more counties or stewartries, the inhabitants of such parish shall serve in the militia of the county or stewartry wherein the church belonging to such parish is situated, and that such parish shall, for all the purposes of this Act, be deemed part of such county or stewartry.

Persons fraudulently bound apprentices may be appointed to serve, and the master shall forfeit 10*l.*

XLIV. PROVIDED always, and be it further enacted, that if any two or more deputy lieutenants shall at any of their subdivision meetings receive information or shall suspect that any person whose name is inserted in any list, and described as an apprentice, has been fraudulently bound apprentice in order to avoid serving in the militia, it shall be lawful for them to make enquiry thereof, and to summon such persons as they shall think necessary to appear before them at such time and place as they shall appoint, and to examine such persons upon oath; and in case it shall appear that such binding was fraudulent in order to avoid serving in the militia, it shall be lawful for such deputy lieutenants to appoint such person so fraudulently bound apprentice to serve as a militia man for the parish or place for which such list shall have been returned if there shall be a vacancy, and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

[XLV.[a]] AND be it further enacted, that if any person being one of the people called Quakers shall be chosen by ballot to serve in the militia, and shall refuse or neglect to appear and to take the oath and serve in the militia, or to provide a substitute of the same county, stewartry, or place, or of some adjoining parish or place, to be examined and approved as herein-after directed, who shall take the said oath and subscribe his consent to serve as the substitute of such Quaker, then and in every such case any two or more deputy lieutenants shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person of the same county or counties, stewartries, cities, or places forming a battalion or regiment as herein-after directed to serve as a substitute for such Quaker; and such substitute shall, after being duly examined and approved, take the said oath and subscribe his consent to serve in the militia for the same term and on the same conditions as is herein-before directed in the case of substitutes produced by persons chosen by ballot, and any two or more deputy lieutenants may and are hereby authorized by warrant under their hands to levy by distress and sale of the goods and effects of such Quaker such sum of money as shall be necessary to defray the expence of providing and hiring such substitute, rendering to such Quaker the overplus (if any) after deducting the charges of such distress and sale; and if no goods or effects belonging to such Quaker can be found sufficient to levy such distress, and it shall nevertheless appear satisfactorily to such deputy lieutenants that such Quaker is of sufficient ability to pay the sum of ten pounds, then it shall be lawful for such deputy lieutenants to commit such Quaker to the common gaol, there to remain without bail or mainprize for the space of three months, or until he shall have paid such sum of money as such deputy lieutenants shall have agreed to pay to such substitute as aforesaid; and in case any measures shall be used in making distress as aforesaid, which may be by any such Quaker thought oppressive, it shall be lawful for such Quaker to complain to the deputy lieutenants at their next meeting, who are hereby empowered and required to hear and finally determine the same.

Two deputy lieutenants may provide substitutes for Quakers, and may levy the expence by distress, &c.

Quakers may complain to the deputy lieutenants.

XLVI. PROVIDED always, that no man shall be deemed, taken, and accepted to be a Quaker within the meaning of this Act unless he shall produce before the deputy lieutenants, at some of their subdivision meetings, a certificate under the hands of two or more reputable housekeepers being of the people called Quakers, acknowledging such man to be one of their persuasion.

Quakers to produce certificate of their being of that persuasion.

XLVII. AND be it further enacted, that no man shall be approved or inrolled to serve in the militia under this Act, either as a ballotted man or as a substitute or volunteer, until he shall have been carefully examined by some surgeon of competent skill, and shall have been declared and reported by such surgeon to be neither ruptured, lame, maimed, nor afflicted with any disorder that may render him unfit to serve, but to be in every respect able and fit for service; and the deputy lieutenants assembled at their subdivision meetings or any two deputy lieutenants shall in all cases, before they proceed to inrol any man for the militia, cause such examination to be carefully made; and it shall be lawful for the said deputy lieutenants, and they are hereby empowered and directed, to require the attendance of any surgeon of any regiment, battalion,

No man to be enrolled until reported fit for service by a surgeon.

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[a] So much of this Act as prescribes the form of oath to be taken by substitutes raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.]

or corps of the militia of the county, stewartry, city, or place for which any man is to be inrolled, or any surgeon belonging to his Majesty's other forces, if any such surgeon is within a reasonable distance and can conveniently be had, or otherwise to require the attendance of any other competent surgeon for that purpose; . . . . . .

Two deputy lieutenants may discharge persons chosen by ballot who are under height or unfit for service, and cause others to be chosen.

XLVIII. AND be it further enacted, that whenever it shall appear to any two or more deputy lieutenants assembled at any subdivision meeting that any person chosen by ballot to serve in the militia is not of the full height of five feet four inches, or is not approved upon examination by a surgeon according to the directions of this Act, such deputy lieutenants shall and are hereby empowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been ballotted, and to cause another person to be chosen in his stead by ballot according to the directions of this Act.

Deputy lieutenants shall class the men enrolled, and make out a list in the form in schedule (E.), a copy of which the clerk of the subdivision shall transmit to the clerk to the general meetings to be entered in a book.

XLIX. AND be it further enacted, that the deputy lieutenants in their several subdivisions shall, as soon as they shall have inrolled the number of men required in their subdivision, divide the men so inrolled into as many classes of the description herein-after mentioned as shall be found among such men; that is to say, in the first class they shall put all the men under thirty years of age, and having no child or children living; and in the second class, all the men above thirty years of age having no child or children living; and in the third class all the men not having any child or children living under the age of fourteen years; and in the fourth class all the men having any child or children, one of whom only shall be under the age of fourteen years; and in the last class, all the men not included in any of the former descriptions; and shall forthwith make out a list of such classes according to the form in the schedule to this Act annexed marked (E.); and within three days after the completing thereof the clerk of such subdivision meeting shall transmit to the clerk to the general meetings an exact and true copy of such list, made out in such form as aforesaid, to be by him entered in a book to be kept for that purpose.

Men becoming unfit to serve may be discharged, but if discharged by commandant only there shall be no fresh ballot until the discharge has been confirmed by two deputy lieutenants.

L. AND be it further enacted, that whenever any militia man after having been sworn and inrolled shall become unfit for service, it shall be lawful for the colonel or other commandant of the regiment or battalion to which such militia man shall belong, together with any two or more deputy lieutenants of the county, stewartry, city, or place to which such regiment or battalion belongs, if the said regiment or battalion shall then be within the said county, stewartry, or place, or for the colonel or other commandant only, if the said regiment or battalion shall be absent therefrom, to discharge any militia man of his regiment or battalion; but another man shall not be ballotted for in the room of such militia man so discharged until such discharge shall be confirmed under the hands of two or more deputy lieutenants of the county, stewartry, city, or place to which such regiment or battalion belongs, assembled at any meeting in the subdivision for which such militia man was inrolled, or at any general meeting for the county, stewartry, city, or place as aforesaid.

Vacancies by death, &c. to be certified by commandant and filled up by a fresh ballot.

LI. AND be it further enacted, that when any private militia man shall before the expiration of the term for which he was to serve die or be appointed a serjeant, corporal, or drummer in the militia, or be discharged in manner aforesaid as unfit for service, or in pursuance of the sentence of a court

martial, the colonel or commanding officer of the regiment, battalion, or corps to which such private man shall belong shall certify the vacancy occasioned by such death, appointment, or discharge (as the case may be), to the clerk to the general meetings, who shall forthwith transmit the said certificate to the deputy lieutenants of the subdivision for which such private man shall have been inrolled, and such vacancy shall be filled up by a fresh ballot for a militia man to serve according to the provisions of this Act.

No ballot to replace a private appointed a non-commissioned officer, &c. in the room of one reduced to the ranks, until discharge of the latter;

LII. AND be it further enacted, that whenever any private militia man shall be appointed a non-commissioned officer or drummer in any regiment or battalion of militia, in the room of any non-commissioned officer or drummer reduced to the ranks, no ballot shall take place in the parish or place for which such private man so appointed was then serving, in consequence of any vacancy occasioned by such appointment, until the non-commissioned officer or drummer so reduced shall have obtained his discharge.

but if a private shall be so appointed in consequence of a vacancy by death or discharge, another shall be balloted for.

LIII. AND be it further enacted, that where in any regiment or battalion of militia in which any private man shall be appointed a serjeant, corporal, or drummer in consequence of any vacancy occasioned by the death or discharge of any non-commissioned officer or drummer, the parish or place for which such private militia man was then serving shall find and provide another man in his stead, who shall be ballotted for in the manner directed by this Act, unless a volunteer shall be found by such parish or place.

Deputy lieutenants, on certificate of death, promotion, &c., shall cause vacancies to be filled up by ballot.

LIV. AND be it further enacted, that whenever any certificate, signed by the colonel or other commandant of any regiment or battalion of militia, shall be transmitted to the deputy lieutenants of the subdivision for which any private militia man shall have been inrolled, of any such private militia man having died, or been appointed a serjeant, corporal, or drummer in the militia, or been discharged as being unfit for service in manner aforesaid or in pursuance of the sentence of a court martial, such deputy lieutenants shall and are hereby required to cause such vacancy to be filled up by ballot immediately after the receipt of such certificate, except in such cases as are in this Act excepted.

At subdivision meetings men shall be balloted for in room of those whose terms of service will expire before Nov. 20 next ensuing, and such men may be discharged and the others received.

LV. AND be it further enacted, that any two or more of the deputy lieutenants at their several subdivision meetings shall and they are hereby required to ballot for militia men in the room of all militia men actually serving whose terms of service will expire before the twentieth day of November then next ensuing the holding of such subdivision meetings, and shall at a following meeting, to be holden as soon as conveniently may be, proceed to inrol the said ballotted men or their substitutes as aforesaid; and the commanding officer of any regiment or battalion is hereby empowered from time to time to discharge any man of his regiment, battalion, or corps whose time of service will expire before the twentieth day of November then next ensuing, and to receive any other militia man in his room who shall have taken the oath and been inrolled according to the directions of this Act; and every such man so discharged, if serving for himself, shall be entitled to the same immunity from further service as if he had served his full term; and if any such man so discharged was serving as a substitute, then the person for whom he served shall be entitled to the like immunity as aforesaid.

Enrolment of servants shall not vacate their

LVI. AND be it further enacted, that if any servant whatever, hired by the year or otherwise, shall be inrolled as a militia man by virtue of this Act, such

contracts with their masters unless the militia shall be embodied, &c.;

inrolment shall not vacate or rescind the contract or alter the engagement between such servant and his master or mistress or employer or employers, unless the militia of the county, stewartry, city, or place for which such servant shall be inrolled shall be embodied or called out by his Majesty or ordered so to be in pursuance of this Act, or unless such person so inrolled shall leave the service of his master, mistress, or employer or employers, for the purpose of being trained and exercised for the space of twenty-one days in pursuance of this Act, and shall not return again to the same service at the end of such twenty-one days, or as soon after as reasonably may be, allowing to his master, mistress, or employer or employers an abatement from his wages in proportion to the duration of his absence from his said service, to be settled by any two or more justices of the peace in the manner herein-after mentioned; and in every such case where any dispute shall arise between such servant and his master or mistress or employer or employers touching any sum or sums of money due to such servant for or on account of his service performed before the time of his departure from service under the conditions of the said inrolment, or by being called out to join the militia in which he shall have been so inrolled, or touching any abatement to be made by such servant by reason of his absence for the purpose of being trained and exercised, it shall and may be lawful, on complaint made thereof to any two or more justices of the peace for the county, stewartry, city, or place where such master or mistress or employer or employers shall inhabit, for such justices to hear and determine every such complaint, and to examine upon oath every such servant or any other witness or witnesses touching the same, and to make such order for the payment of so much wages to such servant in proportion to the service he has performed, or such abatement from his wages in proportion to the duration of his absence from his service, as the case may require, and as to such justice shall seem just and reasonable, provided the sum in question do not exceed the sum of twenty pounds; and in case of refusal or nonpayment of any sums so ordered to be paid by the space of twenty-one days next after such determination, such justice may and shall issue forth his warrant to levy the same by distress and sale of the goods and effects of such master or mistress or employer or employers, rendering the overplus to the owner or owners after payment of the charges of such distress and sale.

but wages shall be abated for absence.

Two justices may settle disputes touching wages under 20*l.*, and grant warrants for levying by distress any sums ordered to be paid.

Substitutes or volunteers who do not appear to be sworn shall return the bounty, and be liable to penalty.

LVII. AND be it further enacted, that every person who shall receive money from any other person to serve as his substitute in the militia, or from any person or persons to serve as a volunteer as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing in the militia men, or before some one deputy lieutenant, in order to be sworn according to the directions of this Act, being convicted thereof before any deputy lieutenant or justice of the peace shall be obliged to return the money to the person or persons from whom he received it, and shall forfeit and pay to such person or persons any sum not exceeding forty shillings nor less than twenty shillings, at the discretion of the deputy lieutenant or justice of the peace before whom he shall be so convicted; and if such offender shall not immediately return the money so by him received as aforesaid, and likewise pay the said penalty, he shall be committed to the common gaol or house of correction for fourteen days, or until the said sum shall be returned.

LVIII. AND be it further enacted, that if any person chosen by ballot to serve in the militia shall have engaged any other person to serve as his substitute, or if any person or persons shall have engaged any person to serve as a volunteer as aforesaid, and the person so chosen by ballot, or such person or persons engaging a volunteer, shall have agreed to pay to the person so engaged a certain sum for such service, it shall be lawful for two deputy lieutenants or any one justice of the peace, when the militia of the county, stewartry, city, or place for which such substitute or volunteer shall be inrolled shall not be embodied, and they and he are and is hereby required, after such substitute or volunteer has been examined by a surgeon and approved according to the directions of this Act and inrolled by the deputy lieutenants in pursuance thereof, to order such sum of money as shall appear to them or him to be due to the substitute or volunteer so engaged to be immediately paid to him on such inrolment by the person or persons by or for whom he shall be engaged to serve as aforesaid; and in every case where the militia shall be embodied at the time of such inrolment, it shall be lawful for the said deputy lieutenants or justice to direct any sum, not exceeding one half part of the said sum of money so engaged to be given as aforesaid, to be paid to him forthwith, or to be advanced to such person or to such of his family and in such proportions as he shall request at the time of such his inrolment, and the remaining part thereof to be paid to and received by the clerk of the subdivision meeting, who shall thereupon forthwith remit the same to the paymaster or battalion clerk of the regiment or battalion of militia to which such substitute or volunteer shall be sent as a militia man, to be retained by him until such substitute or volunteer shall have joined such regiment or battalion, and been approved at head quarters as fit to serve, and then to be paid or accounted for to such substitute or volunteer; and if he shall not join or be approved of, then such money shall remain in the hands of such paymaster, to be afterwards applied in like manner to the payment of some other substitute or volunteer in lieu of the one for whom such money shall have been remitted as aforesaid; and such deputy lieutenants or justice shall proceed therein for enforcing the payment of every such sum of money in such and the like manner in every respect, and by all such and the like powers and authorities as is and are directed by and contained in all or any statutes or statute made for the recovery of wages in Scotland; and if any such subdivision clerk shall omit or neglect to remit such money within one week after the same shall have been paid to him as aforesaid, such clerk shall forfeit and pay for every such offence the sum of twenty pounds.

Regulations as to payment of money agreed to be given to a substitute or volunteer.

The payment of such money may be enforced as recovery of wages in Scotland.

Clerk neglecting to remit money shall forfeit 20*l.*

LIX. AND be it further enacted, that in case any officer, serjeant, or other person shall at any time wilfully and knowingly enlist any man to serve in his Majesty's other forces who at the time of such enlisting shall be inrolled or engaged to serve in the militia, every such enlisting shall be deemed null and void; and in case any militia man at the time of offering to enlist as aforesaid shall deny to the officer, serjeant, or other person recruiting for men to enlist and serve in his Majesty's other forces, that he is (at the time of his offering to enlist) a militia man then actually inrolled and engaged to serve (which the said officer, serjeant, or other person is hereby required to ask every man offering to enlist in his Majesty's other forces), or shall offer himself to be inrolled and serve in any other regiment or battalion of militia, every militia

Enlistment of militia men into the other forces shall be void.

Punishment of militia men so offering to enlist.

man so offending shall, on conviction thereof upon the oath of one witness before any one justice of the peace, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six months, and his term of service shall recommence from the date of such commitment, over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong as a soldier to the corps of his Majesty's other forces into which he shall have been so enlisted; and if any officer or other person shall enlist any man belonging to the militia to serve in his Majesty's other forces, knowing him to belong to the militia, or without asking him if he belongs to the militia, every such officer, serjeant, or other person shall for every such offence forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be inrolled as a substitute in the militia, every person so offending, shall forfeit and pay to the person informing of such offence the sum of ten pounds, or be committed to the common gaol or house of correction for any time not exceeding three months.

Penalty on persons so enlisting militia men.

Penalty on soldiers, &c. offering to to serve as substitutes in the militia.

Penalty for ordering serjeants, &c. to beat up for volunteers.

LX. AND be it further enacted, that if any persons shall give orders to any serjeant, drummer, or other person serving in the militia to beat up in any city, town, or place for volunteers to serve in the militia, the person who shall give such orders shall, upon proof thereof, and upon such beating up as aforesaid, upon oath before any justice of the peace, forfeit and pay the sum of twenty pounds, one moiety whereof shall be applied to the use of the person who shall make information thereof before any justice of the peace; and if such serjeant, drummer, or other person shall refuse to declare upon oath before such justice from whom he received such orders, it shall be lawful for such justice and he is hereby required by warrant under his hand and seal to commit such serjeant, drummer, or other person to the house of correction for any time not exceeding three months.

Serjeants, &c. refusing to declare who gave the order shall be imprisoned.

Penalties for refusing to serve or to find substitutes shall be applied in providing them; and any surplus shall be a part of the regimental stock.

LXI. AND be it further enacted, that the money arising by penalties incurred for refusing to serve in the militia, or to find substitutes to serve in their room, shall be applied by any two or more deputy lieutenants within their respective subdivisions in providing substitutes for the persons who have paid such penalties, which substitutes shall be examined, approved, sworn in, and inrolled to serve for the same term, in the same manner, and on the same conditions as is herein-before provided in the case of substitutes provided by persons chosen by ballot; and if any surplus shall remain, the same shall be paid to the colonels or other commandants of the respective regiments or battalions in which such persons ought to have served as militia men, and be applied as part of the regimental stock; and a return of the amount of such penalties, with the names of persons paying the same, shall be transmitted by the clerk of the subdivision meetings to the clerk of the general meetings, and where two or more counties, stewartries, cities, or places are joined together to form a regiment or battalion, a copy of every such return shall be transmitted by the clerk of the general meetings of such county, stewartry, city, or place, or counties, stewartries, cities, or places, to the clerk of the general meeting of the county, stewartry, city, or place furnishing the greatest number of men to such regiment or battalion; and the return of the

A return of penalties, and persons paying them, to be transmitted by the clerk of the subdivisions to the clerk of the general meetings, &c.

account of such penalties, with the names of persons paying the same, shall be transmitted by the clerks of the subdivision meetings to the clerks of the general meetings, and where two or more counties, stewartries, cities, or places are joined together to form a regiment or battalion, such return shall be sent by the clerk or clerks of the general meetings of the other county, stewartry, city, or place, or counties, stewartries, cities, or places, to the clerk of the general meeting of the county or stewartry furnishing the greatest number of men to such regiment or battalion.

Lieutenants, deputy lieutenants, and justices may administer oaths.

LXII. AND be it further enacted, that in all cases in the execution of this Act when any matter or thing is directed to be enquired of or examined into upon the oath of any witness or witnesses before any lieutenant of any county, stewartry, or city, or any deputy lieutenant or lieutenants, or justice or justices of the peace, any such lieutenant, deputy lieutenant or lieutenants, or justice or justices of the peace is or are hereby authorized to administer such oath to any witness or witnesses; and that all other oaths to be taken in pursuance of this Act shall and may be respectively administered by any lieutenant or deputy lieutenant.

How the militia shall be divided and classed.

LXIII. AND be it further enacted, that the militia of the several counties, stewartries, cities, and places aforesaid shall be divided into fifteen different regiments or battalions, consisting of companies not more than one hundred men nor less than sixty men each; and that for the formation of the said regiments or battalions the said counties, stewartries, cities, and places shall compose regiments or battalions, and be classed as follows; (videlicet,) the county of Aberdeen shall of itself form one battalion, and the counties of Ayr, Fife, Lanark, Perth, and Renfrew shall in like manner of themselves form each a battalion; and the following counties, stewartries, cities, and places shall be joined together to form battalions; (videlicet,)

The counties of Argyle and Bute;
The counties of Berwick, Haddington, Linlithgow, and Peebles;
The counties of Caithness, Sutherland, Ross, and Cromarty;
The counties of Dumfries, Roxburgh, and Selkirk;
The county of Edinburgh and the city of Edinburgh;
The counties of Forfar and Kincardine;
The counties of Inverness, Banff, Elgin, and Nairne;
The stewartry of Kirkcudbright and county of Wigton; and
The counties of Stirling, Dunbarton, Clackmannan, and Kinross.

Establishments of the militia.

LXIV. AND be it further enacted, that to each company of such regiments or battalions of militia as aforesaid there shall be one captain, one lieutenant, and one ensign; and that the field officers of such regiments or battalions shall be as follows; (that is to say,) in every regiment or battalion consisting of not less than four hundred and twenty private men, there shall be one colonel, one lieutenant colonel, and one major; and in every regiment or battalion consisting of less than four hundred and twenty private men, there shall be one lieutenant colonel and one major: Provided always, that no colonel or field officer in the militia shall be a captain of a company, except in the case herein-after mentioned: Provided also, that where a regiment or battalion shall consist of less than four hundred and twenty private men but not less than two hundred and fifty private men, three persons qualified according to this Act may be appointed to hold the rank of colonel, lieutenant

colonel, and major in such regiment or battalion respectively, but with no higher pay than if the persons so appointed to hold the rank of colonel, lieutenant colonel, and major were appointed to hold only the rank of lieutenant colonel, major, and captain respectively, and which three persons who may be so appointed to hold the rank of colonel, lieutenant colonel, and major respectively shall be severally appointed in the manner herein-after provided in the case of other colonels, lieutenant colonels, and majors of the militia: Provided also, that every regiment or battalion consisting of five companies, but less than eight companies, may have one company of grenadiers or light infantry to which two lieutenants shall be appointed instead of one lieutenant and one ensign; and that every regiment or battalion consisting of eight companies or upwards may have one company of grenadiers and one company of light infantry, to each of which companies two lieutenants shall be appointed instead of one lieutenant and one ensign: Provided also, that to every company consisting of ninety private men and upwards there may be two lieutenants and one ensign, or three lieutenants, as the case may be.

How the field officers shall be appointed.

LXV. AND be it further enacted, that the different field officers commanding the said several battalions shall be appointed as follows; where three or more counties, stewartries, cities, or places are joined together to form a battalion, the colonel shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the greatest number of private men, the lieutenant colonel shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the next greatest number, and the major shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the third greatest number; and where two counties, stewartries, cities, or places only are joined together to form a battalion, then and in such case the colonel and major shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the greatest number, and the lieutenant colonel shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the smallest number; and where one county, stewartry, city, or place of itself forms one battalion, then the colonel, lieutenant colonel, and major shall be appointed by the lieutenant of the county, stewartry, city, or place forming such battalion.

As to a county not furnishing sufficient men for a company.

LXVI. PROVIDED always, and be it enacted, that where any county, stewartry, city, or place does not furnish men sufficient to form a company, the lieutenant of such county, stewartry, city, or place shall not appoint any of the field officers.

How the captains and subalterns shall be appointed.

LXVII. AND be it further enacted, that the captains and subalterns of companies shall be appointed as follows; where the men furnished by any county, stewartry, city, or place shall not be sufficient for a company, the lieutenant of the county, stewartry, city, or place furnishing the greatest fractional part of a company shall appoint the captain, the lieutenant of the county, stewartry, city, or place furnishing the next greatest fractional part of a company shall appoint the lieutenant, and the lieutenant of the county, stewartry, city, or place furnishing the next greatest fractional part of a company shall appoint the ensign; and where the men furnished by two counties only form one company or the fractional part of a company, the lieutenant of the county, stewartry, city or place furnishing the largest fractional part of such company shall appoint the captain, and the lieutenant of the other county, stewartry, city, or place shall appoint the lieutenant and

ensign; and where any county, stewartry, city, or place shall furnish men sufficient for one or more complete company or companies, the captains, lieutenants, and ensigns of such company or companies shall be appointed by the lieutenant of such county, stewartry, city, or place; and any fractional part of a company which may remain furnished by such county, stewartry, city, or place shall become subject to the rules above prescribed where the men furnished by two or more counties, stewartries, cities, or places are requisite to complete a company,

His Majesty may direct supernumerary officers to be appointed to men trained to the service of artillery.

LXVIII. PROVIDED always, and be it enacted, that if his Majesty shall at any time direct that any proportion of the said militia shall be trained and exercised to the service of any artillery that may be attached to any regiment or battalion of militia, it shall be lawful for his Majesty to direct that a supernumerary officer or officers of the said regiment or battalion, of such rank as his Majesty shall order, and being duly qualified as aforesaid, shall be appointed to and for the said men so directed to be trained and exercised as aforesaid.

Rank of officers accepting commissions in other regiments.

LXIX. AND be it further enacted, that every officer of any militia regiment or battalion who may have accepted or shall accept a commission or appointment of the same rank in any other militia regiment or battalion, and shall thereby vacate his former commission, shall continue to rank in the general service according to the date of his commission or appointment of the same rank in the militia so vacated as aforesaid.

Where a commandant shall be absent from Great Britain, his Majesty may direct the officer next in command to act for him, who shall be vested with the powers of the commandant till the commandant shall return and notify his arrival.

LXX. AND be it further enacted, that when any colonel or other commandant of any regiment or battalion of militia shall be absent from Great Britain, and until he shall return to Great Britain, and shall have notified his arrival to the clerk of the general meeting of the district to which such regiment or battalion shall belong, and to the commanding officer and adjutant thereof, it shall be lawful for his Majesty, by warrant under his sign manual, to direct and order that the officer next in command, who shall be residing in Great Britain, shall in all cases act and serve as the commandant of such regiment or battalion; and all powers and authorities which might have been exercised by such colonel or other commandant so absent as aforesaid, while resident in Great Britain, shall be vested in and exercised by the officer next in command in such regiment or battalion who shall be resident in Great Britain; and from and after issuing the said warrant as aforesaid, all matters and things which ought to be transacted and done by any other person or persons with such colonel or other commandant, whilst resident in Great Britain, shall be transacted and done during the time aforesaid with such officer so next in command as aforesaid, who shall be residing in Great Britain; and all money directed to be issued or paid to or to the order of such colonel or other commandant for the use of such regiment or battalion shall be issued and paid to or to the order of such officer next in command as aforesaid; and all acts, matters, and things done by and with such officer so next in command as aforesaid during the time aforesaid, which are or shall be authorized or required to be done by or with such colonel or other commandant when in Great Britain, shall be good and valid as if done by or with such colonel or other commandant; and during the absence from Great Britain of the colonel or other commandant of such regiment or battalion, and until he shall return to Great Britain and notify his arrival as aforesaid,

the officer next in command in such regiment or battalion who shall be residing in Great Britain shall appoint the regimental or battalion clerk and agent to such regiment or battalion in the same manner as such colonel or other commandant might have done, and shall take security from such agent, and shall be and is hereby made subject and liable to make good all deficiencies that may happen from the said agent, or from himself, upon account of the pay, clothing, or public stock of such regiment or battalion: Provided always, that such officer so next in command as aforesaid, who shall assume the powers so given to him as aforesaid in consequence of the absence from Great Britain of his colonel or other commandant, shall, within seven days after he shall assume any such powers, notify the absence from Great Britain of such colonel or other commandant to the lieutenant of the county, stewartry, city, or place, and also, when the regiment or battalion shall be in actual service, to the secretary at war: Provided also, that if any such colonel or other commandant as aforesaid shall have given any orders for clothing or other necessaries or for accoutrements, which ought to be provided in due course or in pursuance of any order by proper authority at the time when such order shall be given, for the use of his regiment or battalion, and if, before such orders shall be completed or after the same shall be completed and before the money shall be issued for the same, such colonel or other commandant shall leave Great Britain, the orders so given by such colonel or other commandant shall nevertheless be completed, and the money to be issued in respect thereof shall be paid to the order of such colonel or other commandant, notwithstanding his absence from Great Britain as aforesaid; and in like manner if any officer so next in command as aforesaid shall, in consequence of the absence from Great Britain of his colonel or other commandant, and under the authorities given to him as aforesaid, give any orders for clothing or other necessaries or for accoutrements, which ought to be provided in due course or in pursuance of any order by proper authority at the time when such orders shall be given, for the use of his regiment or battalion, and, before such orders shall be completed or after the same shall be completed and before the money which ought to be issued shall be issued for the same, the colonel or other commandant shall return to Great Britain and notify his arrival as aforesaid, the orders so given by such officer so next in command as aforesaid shall be completed, and the money to be issued in respect thereof shall be paid to the order of such officer, notwithstanding the return of such colonel or other commandant as aforesaid.

The officer next in command shall, within seven days after assuming the command, notify the absence of the commandant to the lieutenant, and when in actual service to the Secretary at War.

Orders given by a commandant for clothing or accoutrements shall be completed, and the money paid to his order, though he may leave Great Britain; as shall the orders given by the officer next in command during the absence of the commandant, though he may return.

LXXI. AND be it further enacted, that his Majesty may and shall appoint one proper person, who shall have served in some of his Majesty's other forces, or in the militia of England or of Scotland while embodied, for the term of five years at the least, to be an adjutant to each regiment or battalion of militia; and such adjutant, if appointed out of his Majesty's other forces, shall during his service in the militia preserve his rank in the army in the same manner as if he had continued in that service; and it shall be lawful for the lieutenant of any county, stewartry, city, or place, on the recommendation of the colonel or other commandant of any regiment or battalion of militia, to appoint the adjutant of such regiment or battalion to serve with the rank of captain, provided such adjutant shall have served five years in the militia while embodied, or in his Majesty's other forces, ... :

His Majesty shall appoint as adjutants officers who have served five years in the army or embodied militia, who, if in the army, shall retain their rank.

Adjutants may have rank as captains, but not above captains of companies, and shall not be entitled to higher pay than that of adjutant.

Provided always, that no such appointment to the rank of captain shall be valid unless in the instrument granting the same it be specified in what regiment or battalion of the militia while embodied, or of his Majesty's other forces, such adjutant hath served, and what was or were the date or dates of his commission or commissions: Provided also, that no adjutant so appointed to serve with the rank of captain shall, by virtue of the date of such appointment as aforesaid or otherwise, be entitled to rank above or to command any captain of a company in the militia: Provided also, that no such adjutant shall, by reason of any such appointment as aforesaid, be entitled to receive any greater or other pay than that of adjutant.

The lieutenant authorized to name the colonel may, with the approbation of his Majesty, appoint a surgeon.

LXXII. AND be it further enacted, that it shall be lawful for the lieutenant of the county, stewartry, city, or place who is authorized by this Act to name the colonel of any regiment or battalion of militia, with the approbation of his Majesty, to appoint one fit and proper person, who shall have passed an examination at Surgeon's Hall in London, or before the College of Surgeons in Edinburgh, and received his certificate accordingly, to be surgeon of such regiment or battalion; and every such appointment shall recite the certificate of the person so appointed, and an attested copy thereof shall be transmitted to and deposited with the clerk of the general meetings; . . . . . and every such surgeon so appointed as aforesaid shall, during the time of the militia to which he shall belong being embodied, receive the pay and allowance of a surgeon of infantry in his Majesty's other forces, and be subject to the like rules, restrictions, and directions in every respect, as far as the same may be applicable; and no such surgeon shall be capable of holding any other commission in such militia, or of receiving any pay in respect of any other commission in such militia, during the time of his being such surgeon as aforesaid.

Pay and allowance to surgeon while militia are embodied.

The colonel, with the approbation of his Majesty, may appoint a quarter master, who may have the rank of a subaltern, but shall not hold any commission.

LXXIII. AND be it further enacted, that it shall be lawful for the colonel of each regiment or battalion, with the approbation of his Majesty, to appoint one fit and proper person, who has served in his Majesty's other forces or in the embodied militia, to be the quarter master of any such regiment or battalion respectively; and it shall be lawful for the lieutenant of the county, stewartry, city, or place authorized by this Act to appoint the colonel of such regiment or battalion, on the recommendation of the colonel thereof, to appoint such quarter master to serve with the rank of lieutenant or ensign, ... : Provided always, that such quarter master shall not be capable of holding any commission, or receiving any pay in respect of any commission, in any company in the militia, during the time of his being such quarter master as aforesaid.

The colonel may appoint a clerk.

LXXIV. AND be it further enacted, that the colonel or other commandant of every regiment or battalion of militia, when such regiment or battalion is not in actual service, may appoint a regimental or battalion clerk, who shall execute the office of paymaster.

No adjutant, &c. to be appointed captain of a company, or vice versâ.

LXXV. AND be it further enacted, that no adjutant, surgeon, regimental or battalion clerk, paymaster, or quarter master in the militia shall be capable of being appointed captain of a company, nor shall any person holding the commission of captain of a company be capable of being appointed adjutant, surgeon, regimental or battalion clerk, paymaster, or quarter master of militia.

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The proportions of non-commissioned officers and drummers, and their pay.

LXXVII. AND be it further enacted, that serjeants, corporals, and drummers shall be appointed to the militia by the colonels or other commandant of each regiment or battalion in the following proportions; (that is to say,) when not in actual service, there shall be one serjeant and one corporal to every thirty private men; and when the militia shall be drawn out into actual service, an addition shall be made, so that there shall be one serjeant and one corporal to every twenty private men; and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of five or more companies as aforesaid; and when the militia shall be drawn out into actual service, there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer respectively, when not in actual service, shall be as follows; (that is to say,) of every serjeant one shilling and sixpence, of every corporal one shilling and twopence, and of every drummer one shilling; and such serjeants, corporals, and drummers shall be new cloathed, when not in actual service, once in two years; . . . . .

Commandant may appoint a serjeant major and drum major.

And the colonel or other commandant of every regiment or battalion may appoint a serjeant major, and the colonel or other commandant of every regiment or battalion may also appoint a drum major; and that all serjeants corporals, and drummers, having received any pay as such from any regiment or battalion, shall be deemed to be engaged and compellable to serve in such regiment or battalion until they shall be legally discharged: Provided always, that no person who shall keep any house of public entertainment, or who shall sell any ale or wine or any brandy or other spirituous liquors by retail, shall be capable of being appointed or of serving or receiving pay as a serjeant, corporal, or drummer in the militia: Provided always, that if it shall happen that in any regiment or battalion there shall be a surplus of fifteen private men or upwards, after the appointment of one serjeant and one corporal to every thirty private men, such regiment, battalion, or corps shall be entitled to have one additional corporal, when not in actual service, for such surplus number of men.

No publican shall be a serjeant, corporal, or drummer.

An additional corporal may be appointed where there is a surplus of men.

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Commandant may discharge serjeants, &c., and appoint others.

LXXIX. AND be it further enacted, that any serjeant, corporal, or drummer may be discharged by the colonel or other commandant, and the said colonel or other commandant may appoint any proper person in the room of every serjeant, corporal, and drummer who shall die, desert, or be discharged; . . . . . .

Extra drummers may be kept as fifers or musicians, at the expence of the regiment.

LXXX. AND be it further enacted, that in case his Majesty's lieutenant for any county, stewartry, city, or place, or the colonel or commandant of any regiment or battalion of militia, shall be desirous of keeping up a greater number of drummers than is herein directed to be employed, as fifers or musicians for the use of any such regiment or battalion, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for such lieutenant or colonel or other commandant to retain in their respective regiments or battalions any number of the drummers employed or to be employed as fifers or musicians therein, over and above the number established by this Act, or at any time hereafter to engage any additional number of drummers to act as fifers or musicians in their respective regiments or battalions; and all such drummers so retained or in future engaged to serve in any

such regiment or battalion as fifers or musicians shall be deemed as drummers of militia within the meaning of this Act to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers of militia are by this Act subject, and shall continue to serve as drummers so long as they shall receive the same pay and clothing as other drummers have, or better clothing in lieu thereof, and no longer.

Serjeants and out-pensioners of Chelsea serving as serjeants of militia may receive their hospital allowance with their pay.

LXXXI. AND be it further enacted, that any person able and fit to serve, being a serjeant on the establishment of Chelsea hospital at the allowance of twelve-pence per day, or being an out-pensioner on the establishment of the said hospital at the allowance of five-pence a day, and being appointed to serve as a serjeant in the militia, may and shall receive the said allowance of twelve-pence a day or five-pence a day respectively, together with his pay from the said militia; and any person who shall have faithfully served as a serjeant, corporal, or drummer in the militia for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the colonel or other commandant of the regiment or battalion to which he belongs, and the lieutenant or two or more deputy lieutenants of the county, stewartry, city, or place to which the said regiment or battalion belongs, or (on the death or removal or in the absence of the said lieutenant) on the recommendation of the colonel or other commandant and three or more deputy lieutenants of such county, stewartry, city, or place, be entitled to examination at the Chelsea board, and be capable of being placed on the establishment of the said hospital, at the pension of five-pence per diem, if the said board should judge him deserving thereof.

Serjeants, &c., having served 20 years in the militia, may receive the Chelsea pension.

Militia of every county shall be exercised 21 days annually, and shall be called out for that purpose, either at the same time or successively, at such times and places as shall be appointed.

LXXXII. AND be it further enacted, that the said militia to be raised as aforesaid shall be called out once in every year for the purpose of being trained and exercised for the space of twenty-one days; and in every county, stewartry, city, or place in which it shall have been appointed that the whole of such militia shall not be trained or exercised at the same time, then the respective parts thereof shall be trained and exercised successively, until the whole of the men serving for such county, stewartry, city, or place shall have been trained and exercised for the space of twenty-one days; and that for the purpose aforesaid the men serving for such county, stewartry, city, or place shall be called out to be so trained and exercised in such manner, and in such proportions, at such time or times and place or places in such county or stewartry as shall be appointed, ...

When any regiment shall have been disembodied his Majesty may order it not to be trained for twelve months.

LXXXIII. PROVIDED always, and be it enacted, that whensoever any regiment or battalion to be raised under this Act shall have been disembodied as herein-after directed, it shall and may be lawful for his Majesty to order and direct that such regiment or battalion shall not be trained and exercised in manner as is herein-after directed for the space of twelve calendar months, to be calculated from the day on which it shall have been so disembodied, or for such number of months, not exceeding twelve months, as his Majesty shall think fit.

During the time of exercise the Mutiny Act and Articles of War shall extend to such militia,

LXXXIV. AND be it further enacted, that during such time as any militia shall be assembled for the purpose of being trained and exercised, all the clauses, provisions, matters, and things contained in any Act of Parliament which shall then be in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and in the Articles of War

but no punishment shall extend to life or limb.

made in pursuance of such Act, shall be in force with respect to such militia, and to all the officers, non-commissioned officers, drummers, and private men of the same, in all cases whatsoever, but so that no punishment shall extend to life or limb; and that it shall be lawful for the officer commanding and present with any detachment or division of militia called out to exercise under any of the provisions of this Act, not being under the rank of captain, to order, when he shall think it necessary, a regimental court martial to be held for the trial of any offence committed by any serjeant, drummer, corporal, or private man under and during his command; and if a sufficient number of officers shall not be present to constitute such court martial, it shall be lawful for the commanding officer of the regiment or battalion of militia to which any such detachment or division of militia shall belong, and he is hereby required, upon application made to him by the officer commanding such detachment or division for that purpose, to order a sufficient number of officers of proper rank to attend for the purpose of assisting at such court martial, who shall forthwith attend the same, and assist as members thereof; and the sentence of every such court martial shall in every case be submitted to the colonel or other commandant of the regiment or battalion to which such detachment or division shall belong, or (in his absence from the county, stewartry, city, or place) to the senior field officer within the same, for his approval thereof, who shall cause such sentence to be put in execution, mitigated, or remitted, as he shall in his discretion think best for the service.

Regimental courts martial for offences committed during exercise.

Regulations for sending notice of the times and places of exercise.

LXXXV. AND be it further enacted, that notice of the times and places of exercise of the militia men to be raised by virtue of this Act shall be sent as follows; (videlicet,) where a county of itself forms a battalion, the notice shall be sent by order of the general meetings of lieutenancy of such county, by the clerk of the general meetings, to the clerk of the several subdivision meetings in such county; and where two or more counties, stewartries, cities, or places compose a battalion, the notice shall be sent by order of the general meetings of lieutenancy of the county, stewartry, city, or place composing the greatest number of such regiment or battalion, not only to the clerk of the several subdivision meetings in such county, but also to the clerk of the general meetings of the other county, stewartry, city, or place, or counties, stewartries, cities, or places composing such battalion, who shall again send notice to the clerk of the several subdivision meetings in such county, stewartry, city, or place, or counties, stewartries, cities, and places respectively; and the said deputy lieutenants, at some subdivision meeting to be held for carrying this Act into execution after the receipt of the said notices, shall cause the men serving for such subdivision to be called out in such order and course as shall have been notified by the clerk of the general meetings as aforesaid, and for that purpose shall issue orders to the chief constables or other officers of the several counties, stewartries, cities, and places respectively, and to the schoolmasters, constables, and other officers within their respective parishes or other divisions, which schoolmasters, constables, and other officers shall cause such notice as aforesaid to be affixed on the door of the churches or chapels belonging to their respective parishes or places, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereunto adjoining, which notice shall be deemed a sufficient notice to every person inrolled by virtue of this Act, notwithstanding any omission

Subdivision meetings shall issue orders for calling out the men.

Notices to be affixed on the church doors, which shall be sufficient notice.

in the delivery of written notices in manner herein-after directed; and such constables and other officers are hereby required also to give notice in writing to the several militia men who shall be called out to be trained and exercised at such times and places respectively, by serving them personally or by leaving the same at their usual place of abode, to attend at the time and place mentioned in such order; and all such militia men shall duly attend at the time and place of exercise according to such notices respectively.

Constables to give written notices to the men to attend.

LXXXVI. AND be it further enacted, that the clerks of the several subdivision meetings in every county, stewartry, city, or place shall, within the space of ten days after the receipt of such notices as aforesaid from the clerks of the general meetings, cause a full and true list, specifying the name and date of the inrolment of all the persons inrolled (within each subdivision respectively) to serve in such militia, and the time and place of exercise, to be transmitted to the commanding officer of the regiment or battalion of militia for which such persons have been inrolled by virtue of this Act, or to such person as shall be appointed by such commanding officer to receive the same; and shall in like manner cause a duplicate of such list to be transmitted to the adjutant of the said regiment or battalion, and in every case where there is no adjutant, to the major or captain commandant of such corps.

Clerks of subdivision meetings to send lists of the men enrolled, and the time and place of exercise, to the commanding officer, &c.

LXXXVII. AND be it further enacted, that the pay of every person inrolled to serve in the militia of any county, stewartry, city, or place, when not embodied and called out into actual service, and who shall be called out for the purpose of being trained and exercised as aforesaid, shall commence upon the day on which such person shall join the regiment or battalion or detachment or division to which he shall belong, and not before: Provided always, that if such person shall have been prevented joining such regiment or battalion or detachment or division by sickness or other sufficient cause, and shall produce to the commanding officer thereof a satisfactory certificate of such sickness or other sufficient cause, it shall be lawful for the commanding officer of such regiment or battalion or detachment or division and he is hereby required to direct an allowance of pay to be made to the person so prevented, according to the time mentioned in such certificate as aforesaid.

Regulations as to pay of men called out to exercise.

LXXXVIII. PROVIDED also, and be it further enacted, that every man of the said militia coming from a considerable distance, who shall appear at the place or places to be appointed for exercise, shall be entitled to an allowance after the rate of one shilling per diem for each day necessarily spent in coming from the parish or place for which he shall serve to the place or places to be appointed for exercise, and shall in like manner be entitled to a similar allowance of one shilling per diem for each day necessary to enable him to return to the parish or place for which he shall serve after the days appointed for exercise are over, to be calculated at not less than ten miles per day, with the usual number of halting days; and where such militia man has occasion to come and return by sea or to pass a ferry or ferries, he shall farther be allowed the sum usually paid for such passage by sea or at such ferry or ferries in coming from and returning to the parish or place for which he shall serve; for which purpose a certificate shall be given to every such militia man of the number of days and of the amount of the passage money for which such allowance shall be made to him, under the hands of two or more of the deputy lieutenants of the parish or division to which such militia belongs, which

Men coming from a distance to the place of exercise shall receive certain allowances, on certificates from two deputy lieutenants, which shall be paid by the clerk of the subdivision and repaid to him by the collector of the land tax.

certificate shall be produced by such militia man to the clerk of the subdivision meetings in whose district the said militia man hath his abode, who shall thereupon pay to such militia man the allowance specified in such certificate; and upon such certificate being produced to the collector of the land tax of the county, stewartry, city, or place to which such militia man belongs, the said collector shall reimburse the clerk of the subdivision meeting who has paid the same for the amount of the allowances specified in such certificate; and all such sums so paid by such collector shall be allowed in his accounts.

Militia men falling sick on the march may be relieved by warrant of a justice, and the expence shall be reimbursed by the collector of the land tax.

LXXXIX. AND be it further enacted, that in case any militia man shall, on his march to the place where he shall be ordered to attend for the annual exercise, be disabled by sickness or otherwise, it shall be lawful for any one justice of the peace of the county, stewartry, city, or place where such man shall then be, by warrant under his hand to order him such relief as such justice shall think reasonable; and upon such warrant being produced to the collector of the land tax of the county, stewartry, city, or place within which such militia man shall then be, he shall pay all such expences as shall be incurred pursuant to such warrant, upon an account thereof to be certified under the hand of such justice of the peace, and all such sums so paid by any such collector shall be allowed in his accounts.

Justices, &c. may billet the militia when called out to annual exercise, and, when not called out, may order quarters for the non-commissioned officers and drummers.

XC. AND be it further enacted, that it shall be lawful for all justices of the peace and magistrates of cities, towns, and places, and they and each of them are and is respectively hereby required, to quarter and billet the officers, non-commissioned officers, drummers, and private men serving in the militia, at the times when they shall be called out to annual exercise, in the same way and manner as his Majesty's regular forces are so furnished and provided in that part of Great Britain called Scotland, upon application made to any such justices of the peace or magistrates by his Majesty's lieutenant, or by the colonel or other commanding officer of the regiment or battalion of militia so called out to exercise as aforesaid, or of any division or detachment thereof; and when the militia is not embodied nor called out to exercise as aforesaid, all justices of the peace and magistrates aforesaid may and they and each of them are and is hereby respectively required to order and provide convenient quarters in such manner as aforesaid for the serjeants, corporals, and drummers of the militia.

Justices may aid in providing carriages and horses for conveying the arms, &c. of the militia on its march as for his Majesty's forces.

XCI. AND be it further enacted, that when the militia shall be called out to be trained and exercised, any justice of the peace of any county, stewartry, city, or place, being thereunto required by an order from the lieutenant or from any deputy lieutenant of such county, stewartry, city, or place, or from the colonel or other commanding officer of any regiment or battalion, detachment or division of militia, being within such county, stewartry, city, or place, may and shall be aiding and assisting in the providing of carriages and horses to convey the arms, clothes, accoutrements, ammunition, and other stores of such militia, and shall do every thing necessary in that behalf, in the same manner as justices of the peace in Scotland do for the purpose of providing carriages and horses to convey the arms, clothes, accoutrements, ammunition, and other stores of his Majesty's forces upon their march.

Militia men, when called out to exercise, may be put

XCII. AND be it further enacted, that when any regiment or battalion of militia, or any detachment or division thereof as aforesaid, shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain

or commanding officer of every company to put the militia men of his company under stoppages, not exceeding four-pence per day, for the purpose of providing them with linen and also with other necessaries, and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: Provided always, that every such captain or commanding officer shall account with each militia man for such stoppages, and after having deducted what shall have been laid out and paid for necessaries and for repairing the arms as aforesaid, shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before such militia man shall be dismissed from such training and exercise.

under stoppages for providing them with linen, &c.

XCIII. AND be it further enacted, that the colonel or other commanding officer of every regiment or battalion of militia, as often as his regiment or battalion shall be called out to exercise as before directed, and within fourteen days from the time of assembling, shall and he is hereby required to return to the lieutenant of the county, stewartry, city, or place to which the same belongs, or where two or more counties, stewartries, cities, or places are joined together to form a regiment or battalion, to the lieutenant of the county, stewartry, city, or place furnishing the greatest number of men to such regiment or battalion, a true state of such regiment or battalion, and a duplicate thereof to the clerk to the general meetings, to be preserved among the proceedings thereof; and where any such regiment or battalion shall be so ordered to be trained and exercised in parts or proportions successively in manner directed by this Act, the officer commanding every such part or proportion for the time being shall, within seven days after the assembling of such part or proportion, make a return of the state of the militia exercised by him or under his command to the colonel or commanding officer of the regiment or battalion to which the militia so exercised shall belong, on pain of forfeiting twenty pounds for every such omission; and the colonel or commanding officer receiving such returns shall, within fourteen days after all the returns of men belonging to his regiment or battalion, who shall have been so assembled, shall have been received by him, transmit a general return to the lieutenant of the county, stewartry, city, or place to which such militia shall belong, or where two or more counties, cities, or places are joined together to form a regiment or battalion, to the lieutenant of the county, stewartry, city, or place furnishing the greatest number of men to such regiment or battalion, and a duplicate thereof to the clerk of the general meetings, to be preserved among the proceedings thereof; and in case any officer shall refuse or neglect for three months after the time herein appointed for making such returns so to do, he shall for every such offence forfeit and pay the sum of fifty pounds.

Returns of the militia, when called out to exercise, to be made by the colonel, &c.

XCIV. AND be it further enacted, that the captain or commanding officer of every company of militia called out to exercise under this Act shall, during the time of such exercise, make out a correct and accurate return of the state of the classes of the men belonging to his company, arranged according to the form in the schedule to this Act annexed marked (F.), specifying the several particulars therein mentioned, and the subdivision to which every such man shall belong, and shall deliver or transmit the same to the adjutant of the regiment or battalion, or, where there shall be no adjutant, to the commanding officer of the regiment or battalion to which such company shall belong; and such ad-

Captains of companies shall make out a return in the form in schedule (F.) for the adjutant, or where none for the commanding officer, who shall make out a general return, and trans-

mit the same to the clerk of the general meetings, &c.

jutant or commanding officer (as the case may be) shall, within one month after every such exercise as aforesaid, prepare and make out a general and accurate return of all such classes, according to such form and with such specification as aforesaid, and shall transmit the same to the clerk of the general meetings, and shall also transmit to the clerks of the subdivision meetings within the county, stewartry, city, or place to the militia of which he shall belong, extracts of such return, containing the state of the classes of the men belonging to their respective subdivisions; and such subdivision clerks shall forthwith correct the books of inrolment of their respective subdivisions so as to correspond accurately with such return; and the clerk to the general meetings shall forthwith upon receipt of such returns as aforesaid, and within two months after the expiration of such exercise as aforesaid, make out and transmit to one of his Majesty's principal secretaries of state correct abstracts of all such returns as aforesaid, made out in the form in the schedule marked (G.) to this Act annexed; and every person so required as aforesaid to make any such return, who shall refuse or neglect to make the same in manner aforesaid, at the period hereby required for that purpose, shall for every such offence forfeit and pay the sum of fifty pounds.

Clerk to the general meetings shall transmit to the secretary of state an abstract of returns in the form in schedule (G.)

Penalty for neglecting to make returns.

Men not appearing at the time and place of exercise shall be deemed deserters, and such men and men absenting themselves during that time, if not taken till afterwards, shall forfeit 10*l.* or be committed for six months.

XCV. AND be it further enacted, that every militia man (not labouring under any infirmity incapacitating him) who shall not appear at the time and place appointed for his being exercised according to the directions of this Act (notice having been published and given as by this Act required) shall be deemed a deserter, and if not taken until after the time of any such exercise shall forfeit and pay the sum of ten pounds; and also every militia man who having joined the regiment or battalion to which he belongs, or any company or companies or detachment or division thereof, shall desert or absent himself during the time of any such exercise, and shall not be taken until after the time of such exercise, shall forfeit and pay the sum of ten pounds; and if such penalty shall not be immediately paid, the justice of the peace before whom any militia man shall be convicted of any such offence shall commit such militia man to the house of correction to hard labour, or to the common gaol, there to remain without bail or mainprize for the space of six months, or until he shall have paid the said penalty, without any mitigation whatsoever.

If men absent themselves, and do not return, or are not taken within three months, others shall be ballotted for.

XCVI. AND be it further enacted, that in case any militia man shall desert or absent himself from his duty, and shall not return and voluntarily surrender himself to the adjutant or other officer, commissioned or non-commissioned, commanding at the city, town, or place where the arms of the regiment or battalion to which he shall belong shall be deposited, or shall not be taken within the space of three months from the time of his so deserting or absenting himself, then upon certificate thereof from the commanding officer of the regiment or battalion to which he belonged to the deputy lieutenants at any of their meetings for the subdivision for which such militia man was inrolled, such deputy lieutenants, or any two or more of them, are hereby required to hold a subdivision meeting, and to proceed to ballot for another person to serve and be returned to such regiment or battalion in the room of such militia man; and in case such militia man shall at any time thereafter return or be taken, he shall, notwithstanding any person shall have been chosen in his room, be compelled to serve in the same manner and for the same term (the

Whenever such men return or are taken, they shall be compelled to serve.

said term to recommence from the day on which he shall have returned or have been taken) as if no person had been so chosen in his room.

Muskets to be marked, and if men sell or lose their arms, &c., or neglect to return them in good order, they shall forfeit not exceeding 3*l.* or be committed for not exceeding three months.

XCVII. AND be it further enacted, that all muskets delivered for the service of the militia shall be marked distinctly in some visible place with the letter (M.), and the name of the county, stewartry, city, or place to which they belong; and in case any militia man shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, or neglect or refuse to return the same in good order to his captain, or to the person appointed to receive the same, every such militia man shall for every such offence forfeit and pay a sum not exceeding three pounds, and if such militia man shall not immediately pay such penalty, the justice of the peace before whom he shall be convicted shall commit him to the house of correction, to be kept to hard labour, for any time not exceeding three months, or until he shall have paid the said penalty.

Penalty for buying militia arms, &c.

XCVIII. AND be it further enacted, that if any person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any militia arms, clothes, or accoutrements, or any such articles belonging to any militia man as are generally deemed regimental necessaries according to the custom of the army, being provided for the militia man and paid for by deductions out of his pay, or any public stores or ammunition whatever delivered for the militia, upon any account or pretence whatsoever, contrary to the true intent and meaning of this Act, the person so offending shall forfeit and pay for every such offence the sum of ten pounds; and if such offender shall not immediately pay such penalty, and shall not have sufficient goods and effects whereon to levy such penalty, the justice before whom he or she shall be convicted shall commit him or her to the common gaol, there to remain without bail or mainprize for the space of six months, until he or she shall have paid the said fine, or shall cause such offender to be publicly or privately whipped, at the discretion of such justice.

Serjeant majors, &c. shall be at all times subject to Mutiny Act, &c., and may be tried by court martial for offences committed when the militia is not embodied; and serjeants, &c., and private men may be so tried who desert while their regiment is embodied, and are not taken till afterwards.

XCIX. AND be it further enacted, that every serjeant major, serjeant, corporal, drum major, and drummer of the militia shall be at all times subject to any Act which shall be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and to the Articles of War, under the command of the colonel or other commandant of the regiment or battalion to which he belongs; and it shall be lawful for the colonel or other commandant of any regiment or battalion of militia to direct the holding of courts martial, as herein-after directed, for the trial of any serjeant major, serjeant, corporal, drum major, or drummer of such regiment or battalion, by either a general or regimental court martial, for any offence against the said Act or Articles of War committed during the time such regiment or battalion shall not be embodied, and for the trial of any serjeant, corporal, drummer, or private man of such regiment or battalion who shall have deserted while the said regiment or battalion was embodied, and shall not have been apprehended till after it shall have been disembodied, but so that no punishment shall extend to the loss of life or limb.

Commandant may order officers of the regiment resident where the trial is to be, or within ten

C. AND be it further enacted, that if a sufficient number of officers to form a court martial cannot be found, it shall be lawful for the colonel or other commandant, and in his absence for the senior field officer of the regiment or battalion to which the person on whom such court martial is to be held shall belong, to order any officers of such regiment or battalion actually resident

miles, to assist as members of the court.

within the town where such serjeant major, serjeant, corporal, drum major, or drummer is to be tried, or within ten miles thereof, to attend and assist as members of such court martial, who shall thereupon attend at the time required and assist accordingly, but no officer shall be entitled to receive pay for any such attendance: Provided always, that no sentence of any court martial held as aforesaid on any serjeant major, serjeant, corporal, drum major, or drummer, or private man as aforesaid shall be put in execution until it shall have been confirmed by the colonel or other commandant, or by the field officer by whose order such court martial was assembled.

Sentence not to be put into execution till confirmed by commandant.

Non-commissioned officers may be reduced to privates for a certain period, and if not then restored, they shall be discharged.

CI. AND be it further enacted, that any serjeant, corporal, or drummer of the militia may by sentence of a court martial be reduced to the condition of a private militia man, to serve as such during any time not exceeding fifteen months, in case the regiment or battalion to which he belongs shall not be then embodied or called out into actual service; and in case the regiment or battalion to which he belongs shall be then embodied or called out into actual service, to serve as aforesaid until the disembodying of the said regiment or battalion; after which time or at the end of the said fifteen months, as the case may be, if not regularly reappointed to the rank of a non-commissioned officer or drummer, he shall be discharged from the service.

Arms, &c. to be kept where the commandant shall direct.

CII. AND be it further enacted, that the arms, accoutrements, clothing, and other stores belonging to every regiment or battalion of militia, when not embodied, shall be kept in such convenient place as the colonel or other commandant shall direct, with the approbation of his Majesty, signified by one of his principal secretaries of state.

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Method of proceeding when information is received of the residence of a militia man who has not joined at the annual exercise, or has deserted during it and has not been apprehended.

CIV. AND be it further enacted, that if any militia man shall not join the regiment or battalion, detachment or division to which he belongs at the time of annual exercise, or shall desert during the time of annual exercise and shall not be apprehended before the expiration of the time appointed for such exercise, and if the commanding officer or the adjutant of such regiment or battalion, or the commanding officer of the company, detachment, or division to which such offender belongs, shall receive information of the place where he shall be or reside, any such commanding officer or adjutant may, by writing under his hand, describe the person of such offender, and also certify that he did not join the regiment or battalion, detachment or division at the time of annual exercise, or that he deserted during the time of annual exercise (as the case may be), and send the same by a serjeant, corporal, or drummer of such regiment or battalion to the adjutant or serjeant major of the regiment or battalion, or to the senior serjeant when there is no adjutant or serjeant major of the regiment or battalion, or detachment or division thereof, of the county, stewartry, city, or place wherein such offender is supposed to be or reside; and the adjutant, serjeant major, or senior serjeant to whom such certificate shall be sent shall forthwith direct a party of the serjeants, corporals, or drummers of the regiment or battalion to which he belongs to assist in the apprehending such offender, and in conveying him before some justice of the peace of the county, stewartry, city, or division wherein such offender shall be apprehended; and if by his confession, or the testimony of any witness or witnesses upon oath, or the knowledge of such justice, it shall appear or be found that such person is guilty of such offence, such adjutant, serjeant major, or senior serjeant as

aforesaid shall order a party of the serjeants, corporals, and drummers under his command to convey such offender to the head quarters of the regiment or battalion of militia of the next county, stewartry, city, or place in the way to the county, stewartry, city, or place to which such offender belongs, and deliver him into the custody of the adjutant or serjeant major of such regiment or battalion, or senior serjeant as aforesaid, who shall cause him to be conveyed in like manner to the adjutant or serjeant major of the regiment or battalion, or senior serjeant of the regiment or battalion of the next county, stewartry, city, or place, and so in like manner until such offender shall be delivered into the custody of the adjutant or serjeant major of the regiment or battalion or senior serjeant as aforesaid of the corps to which he belongs, who shall take him before a justice of the peace to be dealt with as this Act directs in cases of militia men deserting or absenting themselves from their duty when not embodied or called out into actual service; and from the time of his being so apprehended as aforesaid until he is brought before such justice of the peace as aforesaid, such offender shall be subsisted at the rate of sixpence per day from the public monies in the hands of the collector of the land tax of the county, stewartry, city, or place to which such regiment or battalion belongs, for which subsistence such justice is hereby required to make such order upon such collector, who shall be allowed the same in his accounts; and if any serjeant, corporal, or drummer shall desert from the regiment or battalion to which he belongs, it shall be lawful for any constable or other officer of the town or place where any person who may be reasonably suspected to be such deserter shall be found to cause such person to be apprehended and taken before any justice of the peace living in or near to such town or place, who is hereby empowered to examine such suspected person; and if by his confession, or the testimony of any witness or witnesses upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such deserter, such justice shall forthwith cause him to be conveyed to the common gaol of the county or place where he shall be found, or the house of correction or other public prison in the town or place in or near to which such deserter shall be apprehended, there to remain until he shall be demanded by some person or persons authorized to receive him as herein-after directed, and shall transmit an account thereof to the clerk of the general meetings of the county, stewartry, city, or place to which such deserter belongs; and the keeper of such gaol, house of correction, or prison shall receive the full subsistence of such deserter at the rate above specified for his maintenance during the time he shall continue in his custody, but shall not be entitled to any fee or reward on account of his imprisonment; and such clerk of the general meetings receiving such account shall immediately transmit a copy thereof to the colonel or commanding officer of the regiment or battalion of his county, stewartry, city, or place, and also to the adjutant or other officer commanding the serjeants, corporals, and drummers of such regiments or battalions; and the colonel or commanding officer of the regiment or battalion to which such deserter shall be found to belong, or the adjutant or officer commanding the serjeants, corporals, and drummers of such regiment or battalion, shall and he is hereby required immediately on receiving such copy as aforesaid to send any serjeant, corporal, or drummer, or any party of the serjeants, corporals, or drummers of his regiment or battalion to the place where such deserter shall

Method of proceeding where persons are found suspected to be non-commissioned officers or drummers who have deserted.

Gaolers to receive the subsistence of deserters while confined, but no fee.

be so confined, and shall also send by such serjeant, corporal, or drummer, or the serjeant commanding such party of serjeants, corporals, or drummers, an order under his hand to the keeper of the said gaol, house of correction, or prison, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and the serjeant, corporal, or drummer to whom such deserter shall be so ordered to be delivered, in case one only shall be sent on such duty, shall apply to the adjutant or serjeant major of the regiment or battalion or to the senior serjeant of the corps of the county, stewartry, city, or place where such deserter shall be so confined as aforesaid, and such adjutant, serjeant major, or serjeant shall order a sufficient party of the serjeants, corporals, or drummers under his command to assist in conveying such deserter, and he shall be conveyed to the adjutant or serjeant major of the regiment or battalion or senior serjeant of the corps to which he belongs, in the same manner as before directed with respect to the conveying of private militia men to the adjutant or serjeant major of the regiment or battalion, or senior serjeant of the corps to which they belong; and such adjutant or serjeant major or serjeant shall take such deserter before a justice of the peace of the county, stewartry, city, or place to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other public prison of such county, stewartry, city, or place, where he shall remain without bail or mainprize until a court martial can and shall be summoned and held for the trial of such deserters, according to the provisions of this Act, when he shall be delivered to the person or persons named in any order to be issued for that purpose under the hand of the officer by whose authority such court martial shall be summoned requiring the delivery of such deserter; and all gaolers and keepers of prisons shall (if required so to do by any serjeant or corporal or drummer employed in conveying any such militia man, or serjeant, corporal, or drummer so offending to the regiment or battalion to which he belongs) receive into their custody and confine such offender for such time as they shall be respectively so required as aforesaid, not exceeding twenty-four hours; and every such gaoler or keeper of any prison who shall refuse so to do shall forfeit the sum of twenty shillings; and all such serjeants, corporals, and drummers while they are employed in executing such duty as aforesaid, and all other serjeants, corporals, and drummers of the militia while on any march or employed in any duty upon which they may be commanded by any legal authority, shall be billetted in like manner as serjeants, corporals, or drummers belonging to his Majesty's other forces employed in apprehending and conveying deserters are to be billetted.

Gaolers to receive and confine deserters on penalty of 20*s*.

Serjeants, &c. conveying deserters, or on any march, shall be billetted as serjeants, &c. of the other forces when so employed.

CV. AND be it further enacted, that the justice of the peace before whom any deserter shall be convicted shall and may issue his warrant to the clerk of the regiment or battalion to which such deserter shall belong, or (where there is no clerk) to the commanding officer, requiring such clerk or such commanding officer to pay out of such regiment or battalion the sum of twenty shillings to the person who shall have apprehended such deserter, and such clerk or commanding officer is hereby authorized and required to pay the same accordingly on demand.

Person apprehending a deserter to be paid 20*s*. by warrant of the justice before whom the deserter is convicted.

CVI. AND be it further enacted, that if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds.

Penalty on concealing or assisting deserters.

CVII. AND be it further enacted, that in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to Parliament, if the Parliament shall be then sitting, or declared in council and notified by proclamation if no Parliament shall be then sitting or in being) to order and direct the lieutenants of the said several counties, stewartries, cities, and places, or, on the death or removal or in the absence from their respective counties, stewartries, cities, or places of any of them, then any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments or battalions of militia within their respective counties, stewartries, cities, and places herein-before appointed to be raised and trained, or so many of them, or such part or proportion of them or any of them, as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of Great Britain for the repelling and prevention of any invasion, and for the suppression of any rebellion or insurrection within Great Britain; and from the time of any regiment or battalion of militia being drawn out and embodied as aforesaid, and until the same shall be returned again to its own county, stewartry, city, or place, and disembodied by his Majesty's order, the officers, non-commissioned officers, drummers, and private men of every such regiment or battalion shall be subject to all the provisions contained in any Act of Parliament which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and the Articles of War made in pursuance thereof; and all the provisions contained in every such Act and the Articles of War shall be in force with respect to the militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the militia while embodied as aforesaid in all cases whatsoever.

In cases of actual invasion, rebellion, &c., his Majesty may order the militia to be embodied, and put under the command of general officers, &c., and led by their respective officers into any part of Great Britain.

While so embodied, they shall be subject to the Mutiny Act and Articles of War.

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CIX. AND be it further enacted, that whenever his Majesty shall cause the militia to be drawn out and embodied as aforesaid, if the Parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the Parliament within fourteen days; and the Parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act in like manner to all intents and purposes as if it had stood adjourned or prorogued to the same day.

When his Majesty shall order the militia to be embodied he shall issue a proclamation for the meeting of Parliament.

CX. AND be it further enacted, that the lieutenant of every county, stewartry, city, and place, or (on the death or removal of any such lieutenant, or in his absence from his county, stewartry, city, or place,) any three or more deputy lieutenants, to whom any order from his Majesty for drawing out and embodying the whole of the militia of such county, stewartry, city, or place shall be directed, shall forthwith issue his or their order to the chief constables or other officers of the several divisions within their respective counties, stewartries, cities, and places, with directions to forward the same immediately to the constables or other officers of the several parishes and places within their respective divisions; and such constables or other officers are hereby required, upon receipt thereof, forthwith to cause notice in writing to be

When the militia is ordered out, the lieutenants shall issue orders to the chief constables, &c. to be forwarded to the constables, &c., who shall cause notice to be given to the men to attend.

miles, to assist as members of the court.

within the town where such serjeant major, serjeant, corporal, drum major, or drummer is to be tried, or within ten miles thereof, to attend and assist as members of such court martial, who shall thereupon attend at the time required and assist accordingly, but no officer shall be entitled to receive pay for any such attendance: Provided always, that no sentence of any court martial held as aforesaid on any serjeant major, serjeant, corporal, drum major, or drummer, or private man as aforesaid shall be put in execution until it shall have been confirmed by the colonel or other commandant, or by the field officer by whose order such court martial was assembled.

Sentence not to be put into execution till confirmed by commandant.

Non-commissioned officers may be reduced to privates for a certain period, and if not then restored, they shall be discharged.

CI. AND be it further enacted, that any serjeant, corporal, or drummer of the militia may by sentence of a court martial be reduced to the condition of a private militia man, to serve as such during any time not exceeding fifteen months, in case the regiment or battalion to which he belongs shall not be then embodied or called out into actual service; and in case the regiment or battalion to which he belongs shall be then embodied or called out into actual service, to serve as aforesaid until the disembodying of the said regiment or battalion; after which time or at the end of the said fifteen months, as the case may be, if not regularly reappointed to the rank of a non-commissioned officer or drummer, he shall be discharged from the service.

Arms, &c. to be kept where the commandant shall direct.

CII. AND be it further enacted, that the arms, accoutrements, clothing, and other stores belonging to every regiment or battalion of militia, when not embodied, shall be kept in such convenient place as the colonel or other commandant shall direct, with the approbation of his Majesty, signified by one of his principal secretaries of state.

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Method of proceeding when information is received of the residence of a militia man who has not joined at the annual exercise, or has deserted during it and has not been apprehended.

CIV. AND be it further enacted, that if any militia man shall not join the regiment or battalion, detachment or division to which he belongs at the time of annual exercise, or shall desert during the time of annual exercise and shall not be apprehended before the expiration of the time appointed for such exercise, and if the commanding officer or the adjutant of such regiment or battalion, or the commanding officer of the company, detachment, or division to which such offender belongs, shall receive information of the place where he shall be or reside, any such commanding officer or adjutant may, by writing under his hand, describe the person of such offender, and also certify that he did not join the regiment or battalion, detachment or division at the time of annual exercise, or that he deserted during the time of annual exercise (as the case may be), and send the same by a serjeant, corporal, or drummer of such regiment or battalion to the adjutant or serjeant major of the regiment or battalion, or to the senior serjeant when there is no adjutant or serjeant major of the regiment or battalion, or detachment or division thereof, of the county, stewartry, city, or place wherein such offender is supposed to be or reside; and the adjutant, serjeant major, or senior serjeant to whom such certificate shall be sent shall forthwith direct a party of the serjeants, corporals, or drummers of the regiment or battalion to which he belongs to assist in the apprehending such offender, and in conveying him before some justice of the peace of the county, stewartry, city, or division wherein such offender shall be apprehended; and if by his confession, or the testimony of any witness or witnesses upon oath, or the knowledge of such justice, it shall appear or be found that such person is guilty of such offence, such adjutant, serjeant major, or senior serjeant as

aforesaid shall order a party of the serjeants, corporals, and drummers under his command to convey such offender to the head quarters of the regiment or battalion of militia of the next county, stewartry, city, or place in the way to the county, stewartry, city, or place to which such offender belongs, and deliver him into the custody of the adjutant or serjeant major of such regiment or battalion, or senior serjeant as aforesaid, who shall cause him to be conveyed in like manner to the adjutant or serjeant major of the regiment or battalion, or senior serjeant of the regiment or battalion of the next county, stewartry, city, or place, and so in like manner until such offender shall be delivered into the custody of the adjutant or serjeant major of the regiment or battalion or senior serjeant as aforesaid of the corps to which he belongs, who shall take him before a justice of the peace to be dealt with as this Act directs in cases of militia men deserting or absenting themselves from their duty when not embodied or called out into actual service; and from the time of his being so apprehended as aforesaid until he is brought before such justice of the peace as aforesaid, such offender shall be subsisted at the rate of sixpence per day from the public monies in the hands of the collector of the land tax of the county, stewartry, city, or place to which such regiment or battalion belongs, for which subsistence such justice is hereby required to make such order upon such collector, who shall be allowed the same in his accounts; and if any serjeant, corporal, or drummer shall desert from the regiment or battalion to which he belongs, it shall be lawful for any constable or other officer of the town or place where any person who may be reasonably suspected to be such deserter shall be found to cause such person to be apprehended and taken before any justice of the peace living in or near to such town or place, who is hereby empowered to examine such suspected person; and if by his confession, or the testimony of any witness or witnesses upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such deserter, such justice shall forthwith cause him to be conveyed to the common gaol of the county or place where he shall be found, or the house of correction or other public prison in the town or place in or near to which such deserter shall be apprehended, there to remain until he shall be demanded by some person or persons authorized to receive him as herein-after directed, and shall transmit an account thereof to the clerk of the general meetings of the county, stewartry, city, or place to which such deserter belongs; and the keeper of such gaol, house of correction, or prison shall receive the full subsistence of such deserter at the rate above specified for his maintenance during the time he shall continue in his custody, but shall not be entitled to any fee or reward on account of his imprisonment; and such clerk of the general meetings receiving such account shall immediately transmit a copy thereof to the colonel or commanding officer of the regiment or battalion of his county, stewartry, city, or place, and also to the adjutant or other officer commanding the serjeants, corporals, and drummers of such regiments or battalions; and the colonel or commanding officer of the regiment or battalion to which such deserter shall be found to belong, or the adjutant or officer commanding the serjeants, corporals, and drummers of such regiment or battalion, shall and he is hereby required immediately on receiving such copy as aforesaid to send any serjeant, corporal, or drummer, or any party of the serjeants, corporals, or drummers of his regiment or battalion to the place where such deserter shall

Method of proceeding where persons are found suspected to be non-commissioned officers or drummers who have deserted.

Gaolers to receive the subsistence of deserters while confined, but no fee.

be so confined, and shall also send by such serjeant, corporal, or drummer, or the serjeant commanding such party of serjeants, corporals, or drummers, an order under his hand to the keeper of the said gaol, house of correction, or prison, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and the serjeant, corporal, or drummer to whom such deserter shall be so ordered to be delivered, in case one only shall be sent on such duty, shall apply to the adjutant or serjeant major of the regiment or battalion or to the senior serjeant of the corps of the county, stewartry, city, or place where such deserter shall be so confined as aforesaid, and such adjutant, serjeant major, or serjeant shall order a sufficient party of the serjeants, corporals, or drummers under his command to assist in conveying such deserter, and he shall be conveyed to the adjutant or serjeant major of the regiment or battalion or senior serjeant of the corps to which he belongs, in the same manner as before directed with respect to the conveying of private militia men to the adjutant or serjeant major of the regiment or battalion, or senior serjeant of the corps to which they belong; and such adjutant or serjeant major or serjeant shall take such deserter before a justice of the peace of the county, stewartry, city, or place to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other public prison of such county, stewartry, city, or place, where he shall remain without bail or mainprize until a court martial can and shall be summoned and held for the trial of such deserters, according to the provisions of this Act, when he shall be delivered to the person or persons named in any order to be issued for that purpose under the hand of the officer by whose authority such court martial shall be summoned requiring the delivery of such deserter; and all gaolers and keepers of prisons shall (if required so to do by any serjeant or corporal or drummer employed in conveying any such militia man, or serjeant, corporal, or drummer so offending to the regiment or battalion to which he belongs) receive into their custody and confine such offender for such time as they shall be respectively so required as aforesaid, not exceeding twenty-four hours; and every such gaoler or keeper of any prison who shall refuse so to do shall forfeit the sum of twenty shillings; and all such serjeants, corporals, and drummers while they are employed in executing such duty as aforesaid, and all other serjeants, corporals, and drummers of the militia while on any march or employed in any duty upon which they may be commanded by any legal authority, shall be billetted in like manner as serjeants, corporals, or drummers belonging to his Majesty's other forces employed in apprehending and conveying deserters are to be billetted.

Gaolers to receive and confine deserters on penalty of 20*s*.

Serjeants, &c. conveying deserters, or on any march, shall be billetted as serjeants, &c. of the other forces when so employed.

CV. AND be it further enacted, that the justice of the peace before whom any deserter shall be convicted shall and may issue his warrant to the clerk of the regiment or battalion to which such deserter shall belong, or (where there is no clerk) to the commanding officer, requiring such clerk or such commanding officer to pay out of such regiment or battalion the sum of twenty shillings to the person who shall have apprehended such deserter, and such clerk or commanding officer is hereby authorized and required to pay the same accordingly on demand.

Person apprehending a deserter to be paid 20*s*. by warrant of the justice before whom the deserter is convicted.

CVI. AND be it further enacted, that if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds.

Penalty on concealing or assisting deserters.

CVII. AND be it further enacted, that in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to Parliament, if the Parliament shall be then sitting, or declared in council and notified by proclamation if no Parliament shall be then sitting or in being) to order and direct the lieutenants of the said several counties, stewartries, cities, and places, or, on the death or removal or in the absence from their respective counties, stewartries, cities, or places of any of them, then any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments or battalions of militia within their respective counties, stewartries, cities, and places herein-before appointed to be raised and trained, or so many of them, or such part or proportion of them or any of them, as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of Great Britain for the repelling and prevention of any invasion, and for the suppression of any rebellion or insurrection within Great Britain; and from the time of any regiment or battalion of militia being drawn out and embodied as aforesaid, and until the same shall be returned again to its own county, stewartry, city, or place, and disembodied by his Majesty's order, the officers, non-commissioned officers, drummers, and private men of every such regiment or battalion shall be subject to all the provisions contained in any Act of Parliament which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and the Articles of War made in pursuance thereof; and all the provisions contained in every such Act and the Articles of War shall be in force with respect to the militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the militia while embodied as aforesaid in all cases whatsoever.

In cases of actual invasion, rebellion, &c., his Majesty may order the militia to be embodied, and put under the command of general officers, &c., and led by their respective officers into any part of Great Britain.

While so embodied, they shall be subject to the Mutiny Act and Articles of War.

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CIX. AND be it further enacted, that whenever his Majesty shall cause the militia to be drawn out and embodied as aforesaid, if the Parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the Parliament within fourteen days; and the Parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act in like manner to all intents and purposes as if it had stood adjourned or prorogued to the same day.

When his Majesty shall order the militia to be embodied he shall issue a proclamation for the meeting of Parliament.

CX. AND be it further enacted, that the lieutenant of every county, stewartry, city, and place, or (on the death or removal of any such lieutenant, or in his absence from his county, stewartry, city, or place,) any three or more deputy lieutenants, to whom any order from his Majesty for drawing out and embodying the whole of the militia of such county, stewartry, city, or place shall be directed, shall forthwith issue his or their order to the chief constables or other officers of the several divisions within their respective counties, stewartries, cities, and places, with directions to forward the same immediately to the constables or other officers of the several parishes and places within their respective divisions; and such constables or other officers are hereby required, upon receipt thereof, forthwith to cause notice in writing to be

When the militia is ordered out, the lieutenants shall issue orders to the chief constables, &c. to be forwarded to the constables, &c., who shall cause notice to be given to the men to attend.

given to the several militia men, or left at their usual places of abode within their respective parishes or places, to attend at the time and place mentioned in such order.

Militia officers not to sit on trials of officers or soldiers of the other forces, nor contrariwise.

CXI. AND be it further enacted, that no officer serving in the militia shall sit in any court martial upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces sit in any court martial upon the trial of any officer or soldier serving in the militia.

If militia men do not march pursuant to order, they shall be deemed deserters, and persons harbouring them shall forfeit 100*l.*

CXII. AND be it further enacted, that if any person of the said militia ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended and punished as a deserter according to the provisions of any Act which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the Articles of War made in pursuance of the same; and if any person shall harbour and conceal any such militia man when ordered to be drawn out and embodied as aforesaid, knowing him to be such militia man, every such person shall for every such offence forfeit and pay the sum of one hundred pounds.

Militia when drawn out to be entitled to the same pay as other infantry, and non-commissioned officers, &c. if wounded, to the benefit of Chelsea hospital.

CXIII. AND be it further enacted, that from the date of his Majesty's warrant for drawing out the militia of any county, stewartry, city, or place into actual service, the officers and men of the militia of such county, stewartry, city, or place shall be entitled to the same pay as the officers and men of his Majesty's other infantry forces receive, and no other; and if any non-commissioned officer, drummer, or private man of the militia shall be maimed or wounded in actual service, he shall be equally entitled to the benefit of Chelsea hospital with any non-commissioned officer, drummer, or private man belonging to any of his Majesty's other forces.

Pay of officers and men who shall not join on the day appointed, unless prevented by illness or other necessity, shall commence only from the day of joining.

CXIV. PROVIDED always, and be it further enacted, that the pay of every officer, serjeant, corporal, drummer, and private man who shall not join his regiment or battalion of militia on the day appointed for that purpose shall commence only from the day of his joining such regiment or battalion, unless such officer, serjeant, corporal, drummer, or private man shall have been prevented from joining on the day appointed as aforesaid by sickness or any other inevitable necessity, to be proved to the satisfaction of the commanding officer of the regiment or battalion, in which such officer, serjeant, corporal, or drummer, or private man may, by order of his commanding officer, be accounted with for his pay from the date of his Majesty's warrant as aforesaid.

Pay of men enrolled after the militia is embodied to commence from the day of joining; but an allowance may be made them at the time of enrolment to enable them to join.

CXV. AND be it further enacted, that the pay of every person inrolled to serve in the militia of any county, stewartry, city, or place after such militia shall have been embodied and called out into actual service shall commence upon the day on which such person shall join the regiment or battalion to which he shall belong, and not before: Provided always, that it shall be lawful for the deputy lieutenants or justices of the peace by whom any such person shall have been so inrolled to order and direct an allowance to be made to such person for the purpose of enabling him to proceed and join the regiment or battalion to which he may belong, not exceeding the rate of the pay of so many days as would enable him to march from the place where he was inrolled to the place where the said regiment or battalion may be

stationed, to be calculated at the rate of not less than ten miles per day, with the usual number of halting days, together with such sum or sums as must necessarily be paid by such person for his passage by sea or over any ferry or ferries; and the said allowance of pay and passage money shall be advanced to such person at the time of his inrolment by the clerk of the subdivision meeting, under the order of the deputy lieutenants or justices aforesaid, or one of them, and shall be repaid to the said subdivision clerk by the collector of the land tax of the county, stewartry, city, or place on the production of a certificate to that effect signed by the said deputy lieutenants or justices, or any two or more of them; and the said collector shall be allowed for the same in his accounts accordingly.

Such allowance to be paid by the clerk of the subdivision, who shall be repaid by the collector of the land tax.

CXVI. AND be it further enacted, that when any regiment or battalion of militia shall be drawn out into actual service, and during the time it shall continue in actual service, the colonel or other commandant thereof shall and may appoint an agent to such regiment or battalion, and shall take security from such agent; and such colonel or other commandant shall be and is hereby made subject and liable to make good all deficiencies that may happen from the said agent, or from himself, upon account of the pay, clothing, or public stock of such regiment or battalion.

When a regiment is drawn out, the colonel shall appoint an agent, and take security, and shall make good deficiencies in pay, &c.

CXVII. AND be it further enacted, that when the militia of any county, stewartry, city, or place shall be ordered out into actual service, the collector of the land tax for such county, stewartry, city, or place shall and is hereby required forthwith to pay to the captain or other commanding officer of every company of militia so ordered out the sum of one guinea for the use of every private militia man belonging to his company; and the said collector shall also pay to every captain or other commanding officer of a company as aforesaid the sum of one guinea for every recruit, as early as may be after such recruit shall have joined his company, while out in actual service as aforesaid (all which money so paid by the said collector shall be allowed him in his accounts); and the money so received by any captain or other commanding officer, or so much thereof as such captain or other commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and such captain or commanding officer shall, on or before the twenty-fourth day of the month next ensuing that in which he shall have received such one guinea as aforesaid, account to such militia man how the said sum of one guinea hath been applied and disposed of, and shall at the time of settling such account pay the remainder of the money (if any) to the said militia man.

When the militia is ordered out, the collector of the land tax shall pay to the captain of every company one guinea for the use of each man, and also for each recruit, as early as may be after he has joined.

Captains to account with the men for the same.

CXVIII. AND be it further enacted, that whenever any regiment or battalion of militia shall be embodied for actual service, and absent from the county, stewartry, city, or place to which it belongs, the commanding officer of such regiment or battalion of militia shall apply to every man chosen by lot, whose time shall be within four months of expiring, and who, in his judgment and after an examination by the surgeon of the regiment or battalion, shall still be fit to serve as a militia man, and enquire if he is willing to continue in the service for such term as any man who should be then ballotted to serve would be subject to, and for what price or sum he will so continue; and such commanding officer shall, on the first day of the months of January, March, May, July, September, and November respectively, or as soon after as conveniently

When a regiment is embodied and out of its county, a list of ballotted men whose time shall be within four months of expiring, and who shall be fit and willing to continue to serve, with the sums for which they will serve, shall at certain

periods be transmitted by the commanding officer to the clerk of the general meetings.

may be, transmit to the clerk of the general meetings of the county, stewartry, city, or place to which his regiment or battalion of militia belongs, a list of all such men in such regiment or battalion of militia as he shall find willing to continue in the service, in which list shall be set down the sums they are respectively willing to continue for, and which list shall be signed by every such militia man as aforesaid, and shall be made in the following form; videlicet,

Form of list.

Dated the day of

Name of the County.	Names of the Men.	Of the Parish of	In the Division of	Time of Service expires on the	Sum for which they engage to serve.	Signature of Consent.
	A. B.	P.	H.			A. B.
	E. F.	Q.	I.			E. F.
	G. K.	R.	N.			G. K.

Signing the list shall be binding.

And that the signing of the said list shall be binding upon the persons signing the same to all intents and purposes whatsoever.

Clerk of general meetings to transmit to clerks of subdivisions extracts of the returns.

CXIX. AND be it further enacted, that the clerk of the general meetings of every county, stewartry, city, or place aforesaid shall, as soon after the receipt of such notices as the same can be done, transmit to the respective clerks of the subdivision meetings, for the use of the deputy lieutenants acting in such subdivisions, correct extracts of such returns, specifying in every such extract the men that shall have been inrolled for the subdivision to which the clerk to whom any such extract is sent shall belong; and thereupon it shall be lawful for such deputy lieutenants, if they shall think fit, to cause the men willing to continue to serve as aforesaid to be inrolled as volunteers for the particular and respective parishes or places for which they shall have been originally inrolled to serve, and thereupon as many men shall be ballotted for in such parishes or places as may be necessary to serve in the room of such militia men so inrolled as volunteers; and the person or persons ballotted to serve in the room of such militia men so inrolled as volunteers may, in the order in which they have been ballotted, appoint such person or persons (in the order in which their names appear in the extracts of returns transmitted to the deputy lieutenants) his or their substitute or substitutes; and upon such person or persons so ballotted for transmitting to the paymaster of the regiment in which such men shall be then serving the bounty to be given to such men whom they severally appoint their substitutes in the order before specified, such person or persons so ballotted for shall be in the same situation as other persons who have found substitutes in the manner directed by this Act, and the paymaster shall forthwith pay or account to the said men respectively so appointed substitutes for the bounties received by him; and such of the men as shall not be appointed substitutes shall be discharged at the expiration of the period of service.

Deputy lieutenants may cause the men willing to continue to be enrolled as volunteers; and the same number shall be ballotted for; and the persons chosen by ballot may appoint the volunteers their substitutes, and shall transmit the bounties for their substitutes to the paymaster.

Collector for the county to pay to the captain of each

CXX. AND be it further enacted, that in case the term of service of any person who shall have been chosen by lot and inrolled to serve in the militia shall be prolonged in the manner herein directed beyond the term of five years,

then and in such case the collector of the land tax for the county, stewartry, city, or place to which the person so chosen by lot and inrolled shall belong shall and he is hereby required forthwith to pay to the captain or other commanding officer of each company respectively the sum of one guinea for every person whose time of service shall be so prolonged, and shall in like manner so often as the term of service of any person so chosen by lot and inrolled to serve in the militia shall be prolonged as aforesaid, pay the like further sum of one guinea (all which money so paid by the collector shall be allowed him in his account); and the money so received by any captain or commanding officer, or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for each respective person so chosen by lot and inrolled, and whose time of service shall be prolonged as aforesaid; and such captain or commanding officer shall, on or before the twenty-fourth day of the month next ensuing that in which he shall have received any such one guinea, account to such person how the said sum or sums have been applied and disposed of, and shall at the time of settling such account as aforesaid pay over to him the remainder of the said money, if any, which shall not have been so applied and disposed of.

company one guinea for the use of every ballotted man whose term shall be prolonged beyond five years;

CXXI. AND be it further enacted, that in case the term of service of any substitute, hired man, or volunteer serving in the militia shall, by reason of the militia being embodied, continue beyond the term of five years, then and in such case the collector of the land tax for the county, stewartry, city, or place to which such substitute, hired man, or volunteer shall belong shall and he is hereby required forthwith to pay to the captain or other commanding officer of each company respectively the sum of one guinea for every substitute, hired man, or volunteer whose term of service shall so continue; and in case such term shall so continue for more than three years beyond the said term of five years, then at the expiration of the said three years the said collector shall pay the like further sum of one guinea for every substitute, hired man, or volunteer whose term shall so further continue, and in like manner at the expiration of every additional term of three years pay the like further sum of one guinea (all which money so paid by the collector shall be allowed him in his account); and the money so received by any captain or commanding officer, or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for each respective substitute, hired man, or volunteer; and such captain or commanding officer shall, on or before the twenty-fourth day of the month next ensuing that in which he shall have received such money as aforesaid, account to such substitute, hired man, or volunteer how the said sum or sums have been applied and disposed of, and shall at the time of settling such account as aforesaid pay over to such substitute, hired man, or volunteer the remainder of the said money (if any) which shall not have been so applied, disposed of, and accounted for.

and also for the use of substitutes or volunteers whose term shall be prolonged;

and a like sum at the end of every three years they shall continue to serve beyond the five years.

CXXII. AND be it further enacted, that if any person sworn and inrolled in the said militia either as a substitute or volunteer (not labouring under any infirmity incapacitating him to serve as a militia man) shall not with due diligence join the regiment or battalion of militia of the county, stewartry, city, or place for which he shall be so sworn and inrolled (in case such regiment or battalion shall then be embodied) according to such order as shall be given

Manner of proceeding in case any substitute or volunteer shall not join, or any substitute or volunteer, serjeant, corporal,

or drummer shall desert or absent himself when militia are embodied.

him in that respect by the lieutenant or deputy lieutenants, or any of them, or by any officer of the said regiment or battalion, or by any other person authorized to give such order, or if any person serving in any embodied militia as a substitute or volunteer, or any serjeant, corporal, or drummer, shall desert or absent himself from his duty, every such serjeant, corporal, drummer, or private militia man shall be liable to be apprehended and punished according to the provisions of any Act which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the Articles of War made in pursuance of the same, and may by a general court martial be adjudged to further service in the said militia for some period to be limited, or to service in his Majesty's other forces without limitation as to the period or place of such service, according as the court martial before whom he shall be tried shall think fit to direct; and in case the said court shall adjudge such militia man to serve in his Majesty's other forces, and such sentence shall be approved by his Majesty, it shall be lawful by order under the hand of the secretary at war or his deputy to cause such man, if found fit for general service on examination by a surgeon of his Majesty's other forces, to be entered as a private soldier to serve in such regiment or corps of his Majesty's other forces as shall be directed in such order, or for general service, and to be forthwith conveyed either to the head quarters of the regiment or corps in which he shall be so entered, or to the head quarters for recruits belonging to his Majesty's regiments on foreign stations (as the case may require); and such substitute or volunteer shall, from the time of his being delivered over to be so conveyed as aforesaid, be subject and liable to all the like penalties and punishments contained in any Act then in force for punishing mutiny and desertion as if he had been originally enlisted for general service, or for the regiment or corps in which he shall be so ordered to be entered as aforesaid.

When the whole number of men enrolled for any place shall have been ordered to be embodied, if any shall make default the vacancies shall be filled up by ballot.

CXXIII. AND be it further enacted, that whenever the whole number of persons inrolled in the said militia for any county, stewartry, city, or place shall have been ordered to be drawn out and embodied as aforesaid, and in case any of the persons so ordered to be drawn out and embodied shall afterwards make default either by not appearing in pursuance of any such order as aforesaid or by desertion or absence from duty, and such person shall not be taken within the space of three months from the time of such default, desertion, or absence, then a vacancy shall be declared by the deputy lieutenants at their first meeting to be holden for the subdivision for which such person was inrolled next after the receipt of the certificate of such default, desertion, or absence under the hand of the officer commanding the regiment or battalion to which such person belonged, and the vacancy thus occasioned shall be forthwith filled up by a fresh ballot.

If his Majesty shall order a proportion only

CXXIV. AND whereas it may be expedient that only such a proportion of the militia, and in such of the counties, stewartries, cities, and places as shall be specified in any order of his Majesty, should be drawn out and embodied in the first instance, and that the appointment of the private men necessary to constitute such proportion should be made or decided by ballot or otherwise as herein-after mentioned in each subdivision or district, without assembling them previously out of the subdivision or district to which they belong: Be it therefore enacted, that the lieutenant of every county, stewartry, city, or

place, or (in case of vacancy, or in the absence of the lieutenant from his county, stewartry, city, or place) any three or more deputy lieutenants, to whom any order of his Majesty for the purpose of embodying the said militia, or such part or proportion thereof as his Majesty shall have judged necessary and ordered to be embodied, shall have been directed, shall, as soon after the receipt thereof as conveniently may be, issue his or their order to the clerks of the several subdivision meetings in such county, stewartry, city, or place to prepare and make out a full and true list, containing the names of all persons inrolled to serve in the said militia by virtue of this Act within each subdivision respectively, and arranged according to their classes as herein-before mentioned, before a day to be specified in the said order of the lieutenant or deputy lieutenants as aforesaid, and which day shall not be later than three days after the date of such order; and the said clerks shall, within the time fixed by such order, prepare and make out such lists accordingly, and also two duplicates thereof, one of which duplicates shall be for the use of the deputy lieutenants at their respective subdivision meetings, and the other duplicate thereof shall be transmitted to the clerk of the general meetings for the use of the lieutenant of the county, stewartry, city, or place, or of the deputy lieutenants, who shall have issued such order as aforesaid.

of the militia to be embodied, the lieutenant, &c. shall issue orders to the clerks of the subdivisions to make out lists of all persons enrolled in each subdivision by a certain day;

CXXV. AND be it further enacted, that the said lieutenant or deputy lieutenants as aforesaid to whom his Majesty's order shall be directed shall, at the time of issuing his or their order herein-before mentioned, also issue his or their order for assembling all the men of the said militia within their respective subdivisions, or at such place or places within their respective counties, stewartries, cities, or places, and in such proportions as to the said lieutenant or deputy lieutenants as aforesaid shall appear most expedient, on the day or days to be specified in such his or their order, to the chief constables or other officers of such county, stewartry, city, or place, and to the schoolmasters, constables, or other officers of the several parishes and places within the said county, stewartry, city, or place respectively; and such schoolmasters, constables, or other officers are hereby required, upon receipt thereof, forthwith to cause notice in writing to be given to the several men of the said militia, or left at their usual places of abode, within their respective parishes or places, to attend within their respective subdivisions or districts at the time and place mentioned in such order, and shall also cause a like notice thereof to be affixed on the doors of the churches or chapels belonging to their respective parishes or places, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereunto adjoining, which notice shall be deemed a sufficient notice to every person inrolled by virtue of this Act, notwithstanding any omission in the delivery of written notices in manner herein directed; and all such militia men shall duly attend at the time and place appointed in such notices respectively.

and he shall also issue orders for assembling the men within their respective subdivisions, whereupon schoolmasters, &c. shall cause notice to be given to men to attend;

and notices of the time and place shall be affixed on the church doors, which shall be sufficient notice.

CXXVI. AND be it further enacted, that if any person of the said militia, not labouring under any infirmity incapacitating him to serve as a militia man, shall not appear in pursuance of such order, or appearing shall not abide the orders of the deputy lieutenants attending in pursuance of this Act, every such person shall be deemed a deserter, and, if not taken previously to the completion of the ballot at which such person ought to attend in pursuance of

Men not appearing or not abiding the orders of the deputy lieutenants to be deemed deserters, &c.

this Act, shall forfeit the sum of ten pounds, and shall be deemed and taken to be a person liable to be embodied within the intent and meaning of this Act, and to serve according to the directions herein contained, over and above the number to be chosen by ballot as aforesaid.

Lieutenant, &c. appoint the first subdivision meetings for assembling the men; and deputy lieutenants shall cause a proportion of the men to be balloted for and their names to be marked on the list, which is to be called over.

CXXVII. AND be it further enacted, that the said lieutenant or deputy lieutenants as aforesaid of every county, stewartry, city, or place, or any three or more of them, shall appoint the first meeting to be holden by the several deputy lieutenants of the same county, stewartry, city, or place within their respective subdivisions, or at such other place or places as shall have been appointed as aforesaid, on the day mentioned in such order as aforesaid, for assembling the men of the said militia, in order to their being chosen or ballotted to serve according to the directions of this Act, and shall also appoint the time and place of assembling such of the said men as shall be so chosen or ballotted within their respective counties, stewartries, cities, or places, in order to their being embodied; for which several appointments the respective deputy lieutenants shall have notice; and all the men inrolled on the list of every such subdivision or district, and appearing in pursuance of such order on the day so to be appointed, shall be then mustered by the said deputy lieutenants; and the said deputy lieutenants shall at such meeting proceed, in the manner by this Act directed, to cause a number of the men so appearing to be chosen or ballotted for according to the directions of this Act, equal to such proportion of the complete number that had been or ought to be inrolled by virtue of this Act on the list of such subdivision or district as shall or may be specified in his Majesty's order for drawing out and embodying any part or proportion of the militia as aforesaid, and to cause the names of all the persons chosen and ballotted to be marked on the list of such subdivision or district; and when the choice and ballot shall be concluded the said deputy lieutenants shall cause the list of such subdivision or district to be publicly called, and, as the name of each person contained therein shall be read, shall then and there declare whether such person is or is not (as the case may be) chosen or ballotted out of such list in the manner herein-before provided; and the names of all the persons so chosen and ballotted shall be returned to the lieutenant of the county, stewartry, city, or place for which such persons are inrolled, or to the deputy lieutenants, who shall have given such order as aforesaid; and the persons so chosen and ballotted shall be embodied to serve according to the true intent of this Act; and the said deputy lieutenants shall openly declare to the men who have been so chosen or ballotted the time and place of their assembling in order to their being embodied; and all and every such persons or person who shall have been declared to be so chosen or ballotted shall immediately proceed and repair to and shall duly attend at the time and place so to be appointed and declared, in order to their or his being embodied accordingly; and all and every such persons or person as shall be so declared not to have been so chosen or ballotted as aforesaid shall be discharged from further attendance in pursuance of such order as aforesaid.

Names of the persons chosen shall be returned to the lieutenant, &c.

Time and place of their assembling shall be declared.

Men not chosen shall be discharged from further attendance.

Deputy lieutenants may correct classes.

CXXVIII. PROVIDED always, and be it enacted, that it shall be lawful for the said deputy lieutenants in their several subdivision meetings, and before they proceed to choose or ballot as herein-before directed, to revise and correct the names of the men contained in such class or classes, according to the

several changes or alterations that may have taken place since the last revisal or correction thereof.

Manner of proceeding by the deputy lieutenants when only a part of the militia is to be embodied.

CXXIX. AND be it further enacted, that whenever his Majesty shall think fit to draw out and embody a part or proportion only of the militia of any county, stewartry, city, or place, the deputy lieutenants in their several subdivisions shall, before they proceed to choose or ballot for the private men who are to form such part or proportion, examine the classes of the descriptions herein-before mentioned entered according to the provisions of this Act; and in every case in which the part or proportion of the militia required to be called out in such subdivision shall equal the number of men contained in such first, or first and second, or other succeeding classes, in their order, then and in such case the men contained in such class or classes, as the case may be, shall be forthwith chosen without any ballot; and when the proportion of men so required as aforesaid shall be less than the number of men contained in such first class, then such proportion shall be ballotted for out of such class only, and no other; and when the proportion so required as aforesaid shall exceed the number of men contained in the first, or first and any succeeding class or classes, in the order in which they shall so stand as aforesaid, the deputy lieutenants shall first choose all the men in such first class, or first and next succeeding class or classes, until such proportion shall be, as near as may be, completed, and shall then proceed to ballot in manner directed by this Act for the remainder of the proportion so required as aforesaid out of the class immediately following the last class that shall have been wholly taken towards making up such proportion as aforesaid; and the deputy lieutenants shall proceed in like manner for the supplying of any further part or proportion of militia in case any further part should be afterwards ordered by his Majesty to be embodied, and shall, during the whole of the time that a part or proportion only of the militia shall remain embodied, supply all vacancies as they shall arise in such part or proportion out of the classes as they stand in succession, and shall in no case proceed to ballot for the supplying of any vacancy out of any class until all the men contained in the preceding class or classes who shall be able and fit to join such militia shall have been chosen for that purpose.

If any man enrolled in any subdivision of a county, the militia whereof shall be ordered to be embodied, shall desert, the vacancy shall be filled up by a fresh ballot.

CXXX. AND be it further enacted, that whenever the militia or any part or proportion of the militia of any county, stewartry, city, or place shall have been ordered to be drawn out and embodied in pursuance of this Act, in case any of the persons inrolled in any subdivision of such county, stewartry, city, or place, the militia whereof shall be so ordered to be drawn out and embodied as aforesaid, shall make default either by not appearing in pursuance of any such order as aforesaid or by desertion or absence from duty, and such person shall not be taken within the space of three months from the time of such default, then a vacancy shall be declared by the deputy lieutenants at their first meeting to be holden for the subdivision for which the person so making default was inrolled next after the receipt of the certificate of such default, desertion, or absence under the hands of the officer commanding the regiment or battalion to which such person belonged, and the vacancy thus occasioned shall be forthwith filled up by a fresh ballot within the subdivision aforesaid.

Certain persons enrolled, and not chosen,

CXXXI. AND be it further enacted, that if any person inrolled by virtue of this Act and not chosen or ballotted as aforesaid, who shall not have any child

may be accepted as volunteers in the place of persons chosen.

or children living under the age of fourteen years, and who shall not be more than thirty-five years of age, shall offer himself as a volunteer to be drawn out and embodied in the room of any person so chosen or ballotted, it shall be lawful for the deputy lieutenants at any meeting to accept such volunteer in the room of such person so chosen or ballotted as aforesaid; and such person so accepted shall serve as if he had himself been so chosen or ballotted in manner aforesaid.

Men attending at the ballot, and not being chosen, shall be paid by the clerk one shilling per diem while from home, which the collector of the land tax shall reimburse.

CXXXII. AND be it further enacted, that every man of the said militia who shall appear and attend at the ballot to be taken as herein-before directed, and who shall not be chosen or ballotted as aforesaid, shall be entitled to an allowance, after the rate of one shilling per diem, during the time he shall be necessarily employed from home in going to and continuing at and returning from the place to be appointed for such ballot, not to exceed three days, to be paid by the clerk of the subdivision or other meeting in which such men shall be inrolled; and on the certificate of the number of men so paid, under the hands of such deputy lieutenants and justices of the peace respectively, or where no deputy lieutenant shall there attend, then of any two or more such justices of the peace as aforesaid, the collector of the land tax for such county, stewartry, city, or place shall reimburse to the said clerk the sums so paid out of any monies in his hands of any aid granted by Parliament by way of land tax.

Clerks may draw upon the collectors, by order of the deputy lieutenants, &c., for money to pay allowances.

CXXXIII. AND be it further enacted, that the respective clerks of the subdivision or other meetings shall be and they are hereby authorized and empowered to draw on the collector of the land tax for the county, stewartry, city, or place for such sum or sums of money as such deputy lieutenants and justices of the peace respectively, or where only one deputy lieutenant shall attend as such deputy lieutenant, or where no deputy lieutenant shall attend, then as any two or more justices of the peace shall, by any order under their or his respective hands or hand, direct and appoint, which sum or sums of money shall be applied by such respective clerks for paying the allowances herein-before directed to be made; and the receipt of any such clerk, together with such order, shall be to the said collector of the land tax a sufficient discharge for the payment of such sum or sums of money, and be allowed in his account.

Clerks, when required, to make out accounts of monies received and paid, to be examined and allowed.

CXXXIV. AND be it further enacted, that the clerk of each subdivision or other meeting shall, when required by such deputy lieutenants and justices of the peace, or where no deputy lieutenant shall attend, then by any two or more justices of the peace, make out an account of the respective sums of money by him received and paid in pursuance of this Act, to be by them examined, allowed, and signed; and the account so examined, allowed, and signed shall be and is hereby directed to be the proper voucher and acquittal of such clerk for the application and disposal of such money.

His Majesty may order the remainder of the militia to be embodied.

CXXXV. AND be it further enacted, that nothing herein contained shall be construed to debar his Majesty from ordering the remainder of the said militia, or so many of the remainder of the said militia of any county, stewartry, city, or place as his Majesty shall in his wisdom think proper, to be drawn out and embodied whenever the occasion shall require, according to the provisions prescribed by this Act.

When a further proportion of the militia is to

CXXXVI. AND be it further enacted, that whenever his Majesty shall think fit to draw out and embody any further proportion of the militia of any

county, stewartry, city, or place it shall be lawful for the lieutenant of such county, stewartry, city, or place, or three or more deputy lieutenants as aforesaid, and he and they is and are hereby respectively required to cause such further proportion to be drawn out and embodied as his Majesty shall order; and in so doing such lieutenants and deputy lieutenants respectively, and also all and every the deputy lieutenants and all other officers aforesaid respectively, shall pursue the rules and directions herein-before prescribed for drawing out and embodying the first proportion thereof.

be embodied, the lieutenant, &c. shall pursue the rules prescribed for embodying the first proportion.

CXXXVII. AND be it further enacted, that if during such time as any part of the militia which shall have been drawn out and embodied for service shall continue embodied, his Majesty shall deem it expedient that the militia of any county, stewartry, city, or place, or any part thereof, which shall not at such time be actually embodied for service, should be drawn out in order to be mustered, trained, and exercised for a limited time, instead of being so embodied for service according to the provisions of this Act, it shall be lawful for his Majesty to direct the lieutenants or deputy lieutenants of all or any of the said counties, stewartries, cities, or places to cause the said militia not actually embodied, or any part thereof, to be drawn out in order to be mustered, trained, and exercised, in such proportion and for such time and at such place or places as shall be appointed, with the approbation of his Majesty, by the lieutenant or deputy lieutenants, in manner as is herein-before directed for training and exercising the disembodied militia, and the same shall be mustered, trained, and exercised accordingly.

While any part of the militia shall continue embodied, his Majesty may order any not embodied to be drawn out, to be mustered, trained, and exercised.

CXXXVIII. AND be it further enacted, that whenever the whole of the militia of any county, stewartry, city, or place is ordered to be embodied, all the officers, non-commissioned officers, and drummers of every regiment or battalion of militia of such county, stewartry, city, or place shall immediately join the regiment or battalion to which they respectively belong, at the time and place appointed for the embodying such militia; and whenever the militia of any county, stewartry, city, or place is called out and embodied by detachments or divisions under any order of his Majesty for that purpose, pursuant to the provisions of this Act, it shall be lawful for his Majesty to order and direct the proportion and description of officers, non-commissioned officers, and drummers who shall accompany such detachments or divisions of men, and the respective establishments of such detachments or divisions, and also to regulate the numbers and duties of all such officers, serjeants, corporals, and drummers as shall remain within any such county, stewartry, city, or place, for the mustering, training, and exercising of the remainder of the private militia men thereof, as the service may require, and to his Majesty may seem most fit and convenient.

When the whole militia of any county, &c. is ordered to be embodied, all the officers, non-commissioned officers, and drummers shall join; and when a part, such a proportion of them as shall be ordered by his Majesty.

CXXXIX. AND be it further enacted, that it shall be lawful for his Majesty from time to time, as he shall think fit, to disembody any part or proportion of any militia of any county, stewartry, city, or place embodied under this Act, and from time to time again to draw out and embody any such militia so disembodied as aforesaid, or any proportion thereof, as to his Majesty shall seem necessary, according to the rules and provisions of this Act.

His Majesty may disembody and again embody the militia, as shall seem necessary.

CXL. AND be it further enacted, that when the militia or any part thereof, having been so drawn out into actual service as aforesaid, shall be again duly disembodied, and the officers and men thereof dismissed to return to their

Militia, when disembodied, to be subject to the same

orders only as before being drawn out.

several places of abode, the officers, non-commissioned officers, drummers, and private men shall be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act before they were so drawn out into actual service as aforesaid.

In case of invasion or rebellion, his Majesty may, by proclamation, increase the militia by any any number not exceeding half the number required by this Act, and the lieutenants and deputy lieutenants shall apportion the number, and proceed to enrol the men at the time specified in the proclamation.

CXLI. AND whereas it may be expedient that in all cases of actual invasion or of imminent danger of invasion, and in case of rebellion, his Majesty should be empowered to increase, without delay, the number of militia forces, for the more effectual protection and defence of this realm; Be it therefore enacted, that it shall be lawful for his Majesty (the occasion being first communicated to Parliament, if Parliament shall be then sitting, or declared in council and notified by proclamation, if no Parliament shall be then sitting or in being) to order and direct, by his royal proclamation, that, in addition to the number of men required by or under the foregoing provisions of this Act to be raised by the several counties, stewartries, cities, and places herein mentioned, there shall be forthwith raised and inrolled in the said several counties, stewartries, cities, and places any number of men, not exceeding the proportion of one half of the whole number of men before required by or under this Act to be raised by each county, stewartry, city, and place; and the lieutenants and deputy lieutenants respectively of the said counties, stewartries, cities, and places shall, immediately on the issuing of any such proclamation, assemble and forthwith proceed to apportion the number of men required to be raised in their respective counties, stewartries, cities, and places among the several parishes or places therein respectively, and shall thereafter proceed to raise and inrol such men at such time or times as shall be specified for that purpose in such proclamation; and all the powers, provisions, regulations, rules, penalties, forfeitures, bounties, allowances, clauses, matters, and things in this Act contained relative to the militia shall be applied, practised, enforced, and put in execution for the raising, training, and exercising, and for the embodying and calling out into actual service the supplementary militia so ordered and directed to be raised and inrolled, in as full and ample a manner in every respect, as far as the same can be applied and put in force, as if the said number of men so added to the militia had been included in the number of men required and directed to be raised by virtue of this Act.

When the supplementary militia is raised, his Majesty shall issue a proclamation for the meeting of Parliament within fourteen days.

CXLII. AND be it further enacted, that whenever his Majesty shall cause the supplementary militia to be raised or inrolled or drawn out and embodied as aforesaid, if the Parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the Parliament within fourteen days, and the Parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act in like manner to all intents and purposes as if it had stood adjourned or prorogued to the same day.

His Majesty may reduce the supplementary militia, but the privates shall remain liable to serve, and shall supply vacancies in the places for which they were enrolled;

CXLIII. AND be it further enacted, that it shall be lawful for his Majesty from time to time, whenever he shall deem it expedient to reduce the whole or any part of the supplementary militia, by his royal proclamation to declare such reduction accordingly, and, in case the said supplementary militia or any part thereof shall be then embodied, to disembody the same, or any number of private militia men equal thereto, without regard to whether such men were raised and inrolled in pursuance of any proclamation for raising the supplemen-

tary militia, or were inrolled before and were serving at the time of the issuing thereof; and the private militia men so disembodied as aforesaid, or so many of them as may have been inrolled and not embodied at the time of issuing such proclamation, shall nevertheless remain liable to serve for the respective periods for which they shall have been respectively inrolled to serve, and shall, during such periods, supply all the vacancies that may arise in the respective parishes or places, or united parishes or places, for which they shall have been so inrolled, whenever called upon so to do; and the deputy lieutenants of the respective subdivisions shall from time to time cause any man or men, as the case may be, that may be required for supplying any vacancy or vacancies in the established militia that may arise for any parish or place or united parishes or places in their respective subdivisions, to be taken from their respective classes as aforesaid, or ballotted, as the case may require, according to the provisions in this Act contained relating to the taking men for the militia from classes, until all the men so remaining liable and that shall be fit to serve shall have supplied such vacancies: Provided always, that no ballot shall take place for the raising and inrolling any man to supply any vacancy that may arise for any parish or place so long as the same can be supplied from any men or by any man then inrolled for such parish or place that shall remain liable and be fit to serve: Provided also, that no man so remaining liable to serve as aforesaid for any parish or place shall be called upon or be liable to supply any vacancy arising for any other parish or place than that for which he shall be originally inrolled to serve under the provisions of this Act: Provided also, that no such man so remaining liable to supply such vacancy as aforesaid shall, during the time he so remains liable, be capable of being enlisted into his Majesty's regular forces.

and no ballot shall take place while vacancies for such places can be supplied from them; but they shall not be liable to supply vacancies for any other places.

CXLIV. AND be it further enacted, that where the militia shall be increased in manner above directed, the men raised and inrolled for such supplementary militia shall be added to and make part of the regiment or battalion of the county forming of itself one regiment or battalion, or of the regiment or battalion composed of the counties, stewartries, cities, or places for which they shall be so raised and inrolled; and the additional number of captains, lieutenants, and ensigns, serjeants, corporals, and drummers, necessary for such supplementary militia, shall be appointed in the manner above directed in the case of the regiment or battalion of militia to which such supplementary militia shall be added.

The supplementary militia men shall make part of the regiment of the county, &c.; and additional officers, &c. shall be appointed.

CXLV. PROVIDED always, and be it further enacted, that no regiment shall be composed of more than twelve companies, and that no regiment, consisting of less than one thousand private men, shall be formed into more than ten companies.

Number of companies to a regiment.

CXLVI. AND be it further enacted, that in every regiment or battalion which shall be increased by such supplementary militia to the number of eight hundred private men, or upwards, one major shall be added to every such regiment or battalion, so that to every regiment or battalion so increased to not less than eight hundred private men there may be one colonel, one lieutenant colonel, and two majors.

An additional major to be appointed to every regiment increased to 800 privates.

CXLVII. AND be it further enacted, that where two or more counties, stewartries, cities, or places are joined together to form a battalion, such

By whom the additional major shall be appointed.

additional major of every such regiment or battalion increased to eight hundred private men or upwards shall be appointed by the lieutenant of the county, stewartry, city, or place furnishing the greatest number of private men; and where one county, stewartry, city, or place of itself forms one battalion, then such additional major shall be appointed by the lieutenant of the county, stewartry, city, or place forming such battalion.

As to the appointment of field officers.

CXLVIII. PROVIDED always, and be it further enacted, that where any county, stewartry, city, or place does not furnish men sufficient to form a company, the lieutenant of such county, stewartry, city, or place shall not appoint any such additional field officers.

CXLIX. AND whereas it may happen, through neglect or otherwise, that in some county, stewartry, city, or place the militia may not be raised according to the directions of this Act, and it is just and reasonable that all his Majesty's subjects should contribute equally towards the expence of raising and supporting a militia for the defence of the realm: Be it therefore further enacted,

Lieutenants, &c. shall transmit certified returns of the militia, and of the times of exercise, to the clerks of the commissioners of supply annually.

that the lieutenant or any three deputy lieutenants of every county, stewartry, city, and place where the militia shall be raised according to the directions of this Act, shall, on or before the twenty-fifth day of December in every year, transmit a certificate to the clerk of the commissioners of supply of such county, stewartry, city, or place, containing an account of the names, number, and rank of the officers, and the number of non-commissioned officers, drummers, and private men of the militia of that year, and the time during which such militia hath been trained and exercised; and every such clerk of supply shall deliver such certificate to the commissioners of supply at their general meeting to be held in the month of April in every year, and the same shall

If none are received, clerks shall certify the same.

be kept amongst the records of such meeting; but where no such certificate shall be received by the clerk of supply as aforesaid, he shall certify the same under his hand to the commissioners so assembled, and such certificate of the said clerk of supply shall be kept amongst the records of such meeting.

Where the quota of any county, &c. shall not be raised within a limited time, 10*l.* shall be paid annually for each man deficient, for which the commissioners of supply shall make an assessment on the county, &c., according to the valued rent.

CL. AND be it further enacted, that in every county, stewartry, city, or place in which the full number of men required by or in pursuance of any of the provisions of this Act as the quota of such county, stewartry, city, or place shall not be raised and completed within six months after the passing of this Act, or after the same shall have been fixed and established by any subsequent order of his Majesty in council as herein-before directed, then and in every such case the sum of ten pounds shall be annually paid for and in lieu of every private militia man less than the quota of such county, stewartry, city, or place, who shall not have been raised within the time limited by this Act; and the commissioners of supply of every such county, stewartry, city, and place, assembled at the first general meeting held in the month of April in each year next after the expiration of the said six months, shall, upon the receipt of the certificate of the lieutenant or three deputy lieutenants, which certificate he and they is and are hereby required to transmit to the clerk of the commissioners of supply for such county, stewartry, city, or place, in order to be laid before the said commissioners of supply, assess the said sum of ten pounds per man as aforesaid upon every such county, stewartry, city, or place, according to the valued rent thereof; and in case at any future time the number of men required to be provided for the militia of any county, stewartry,

city, or place, according to the several provisions of this Act, shall not be provided within three calendar months after the lieutenant or any one of the three deputy lieutenants shall have had notice from or by the order of the commanding officer of any regiment or battalion of such militia of any such deficiency, then and in every such case the commissioners of supply aforesaid, assembled at the first meeting to be holden for the county, stewartry, city, or place after such deficiency shall have been made known to them by the lieutenant or deputy lieutenants as aforesaid, shall rate and assess upon the valued rent as aforesaid the like sum of ten pounds for every man so deficient as aforesaid in every county, stewartry, city, or place.

Assessments upon counties shall be made on each parish proportionally to the number of men it is required to raise.

CLI. AND be it further enacted, that the commissioners of supply aforesaid, in making any such rate and assessment upon the whole of any county, stewartry, city, or place, shall apportion the sums so to be assessed as aforesaid, and rate and assess the same upon the valued rent of the several parishes and places in such county, stewartry, city, or place, in the same proportions in which the men for the militia are required to be raised by such parishes and places respectively, according to such apportionment as may have been made thereof in pursuance of this Act, or to the last apportionment that shall have been made of men to be raised by each parish and place.

When the deficiency shall arise in any particular parish or parishes, the assessment shall be made thereon.

CLII. AND be it further enacted, that when in any county, stewartry, city, or place such deficiency of men shall arise from the default of any particular parish or place or parishes or places in such county, stewartry, city, or place, in not raising the proportion or respective proportions of men required to be raised by any such parish or place or parishes or places, then and in such cases the said commissioners of supply, in making such rate or assessment as aforesaid, shall rate and assess all and every such sum and sums of money upon the valued rent of such parish or place, parishes or places that shall have so made default as aforesaid, in proportion to the number of men by which each of such parishes or places shall fall short of the number of men required to be raised therein.

Commissioners of supply failing to make such assessments shall be personally liable for the amount, which may be recovered by summary complaint to the sheriff or stewart depute.

CLIII. AND be it further enacted, that the commissioners of supply assembled at such meeting as aforesaid, failing or neglecting to make such rate or assessment in the manner by this Act directed, shall be personally liable in a penalty equal to the sum for which such rate or assessment ought to be so made, to be recovered by a summary complaint to be made to the sheriff or stewart depute at the instance of the lieutenant or any two deputy lieutenants of the county or stewartry in which such rate or assessment ought to be so made, where such county or stewartry of itself forms a regiment or battalion, and where two or more counties, stewartries, cities, or places are joined together to form a regiment or battalion, then at the instance of the lieutenant or any two deputy lieutenants of any of the counties, stewartries cities, or places composing such regiment or battalion; and the sums so recovered shall be paid and applied in the same manner as such rate or assessment, if made and levied, would have been paid and applied.

In absence of evidence of valued rent, assessments shall be made according to land tax.

CLIV. AND be it further enacted, that in all cases where there is not sufficient evidence of the valued rent of lands in any county or stewartry, the assessments and apportionments thereof hereby directed shall be made according to the customary payment of the land tax.

In cities, &c. the assessments shall be levied as the cess stent.

CLV. AND be it further enacted, that in the case of cities, royal burghs, and towns liable to pay such assessment or an apportionment thereof as aforesaid, the magistrates thereof shall and they are hereby authorized to levy from the heritors, burgesses, and inhabitants of such cities, burghs, and towns, their proportion of such assessment or apportionment thereof, in such manner and in the same proportions as the cess stent and other public burthens and contributions are in use by law to be assessed and levied in such cities, burghs, and towns respectively.

Magistrates neglecting to make such assessments in cities, &c. shall be personally liable for the amount, which may be recovered by summary complaint to the sheriff or stewart depute.

CLVI. AND be it further enacted, that in case the magistrates of any city, burgh, or town shall neglect or refuse to stent and assess the heritors, burgesses, and inhabitants thereof for such assessment or their apportionment thereof, then the magistrates of such city, burgh, or town so neglecting or refusing shall be personally liable in a penalty equal to the said assessment or their apportionment thereof, to be recovered by summary complaint to the sheriff or stewart depute of the county or stewartry in which such city, burgh, or town is situated, at the instance of the collector of the land tax of the county or stewartry entitled to relief by such assessment or apportionment thereof; and the sum so recovered shall be paid and applied in the same manner as such assessment or the apportionment thereof, if made, would have been paid and applied.

Mode of assessment where parishes are partly landward and partly within burgh.

CLVII. AND be it further enacted, that where parishes are partly landward and partly within burgh, the landward part of the parish shall be considered as part of the county or stewartry liable for the above-mentioned rate or assessment or its apportionment thereof, and the part within burgh shall be included in the assessment for the burgh.

Commissioners of supply shall transmit the amounts of sums assessed to the collector of the land tax, who shall give notice to the persons assessed, and levy the same.

CLVIII. AND be it further enacted, that the commissioners of supply of the several counties, stewartries, cities, and places where any such rate and assessment shall be made as aforesaid shall, immediately after the making of any such rate and assessment as aforesaid, transmit or cause to be transmitted the several amounts of the sums so assessed upon the several parishes and places to the collector of the land tax of such county, stewartry, city, or place; and such collector shall, as soon as conveniently may be, cause notice thereof to be given to the respective persons in the several parishes and places upon which any such rate or assessment shall have been made as aforesaid; and such collector shall forthwith levy and collect the same in such manner as he levies and collects the cess or land tax.

Collectors to retain such money in their hands three months, and pay thereout bounties to any volunteers that the deputy lieutenants shall raise within that period for supplying deficiencies, and then pay the balance to the receiver general of Scotland.

CLIX. AND be it further enacted, that the collector or collectors levying and collecting any such sum or sums of money shall retain such sum or sums of money in his or their hands for three calendar months after the receipt thereof; and during the said period of three months it shall be lawful for any deputy lieutenant of the subdivision of the said county, stewartry, city, or place, within which such parish or place shall be situate, to raise any volunteer or volunteers for such militia in lieu of such man or men as shall be so deficient as aforesaid, and to agree with every such volunteer for a bounty not exceeding the sum of ten pounds; and the deputy lieutenants before whom any such volunteer shall be duly examined, approved, sworn, and inrolled to serve in the militia shall make an order upon such collector or collectors for the payment of such bounty; and upon the production to such collector or collec-

tors of a certificate, under the hands of such deputy lieutenants as aforesaid, of any such volunteer having been duly examined, approved, sworn, and inrolled to serve in the militia, and of such order for the payment of such bounty as aforesaid, and of a certificate under the hands of the commanding officer of any regiment or battalion of militia of such county, stewartry, city, or place, of such man having joined his regiment or battalion, such collector or collectors shall and he and they is and are hereby respectively required to pay out of such money in his or their hands as aforesaid any sum of money, not exceeding the said sum of ten pounds, for each of such volunteers as aforesaid; and such collector or collectors shall, at the expiration of three months after the receipt of such money as aforesaid, pay all sums of money as may have come into his or their hands for and on account of any such fines as aforesaid, and as shall not have been paid for and on account of any such volunteer as aforesaid in manner herein directed, to the receiver general of Scotland in the same manner as such collector or collectors pay the cess or land tax levied by them to such receiver general, who shall keep an account thereof as herein-after directed.

CLX. AND whereas there are some towns and places which lie in two counties or stewartries, and doubts may arise whether such towns and places are obliged to pay to both counties or stewartries towards raising the said money: Be it therefore further enacted, that where any town or place lies in two counties or stewartries, or part thereof in a county and part in a stewartry, the proportion of the said money to be paid for such town or place in lieu of raising the militia as aforesaid shall be paid to the collector of the land tax of the county or stewartry wherein the church of such town or place is situate.

Payment of assessment for places which lie in two counties.

CLXI. AND be it further enacted, that every collector of the land tax to whom any such money shall be paid shall give a receipt for such money to the person or persons paying the same, which receipt shall be a sufficent discharge for such payment; and that when the whole sum directed to be raised in any county, stewartry, city, or place as aforesaid shall be paid into the hands of the receiver general for Scotland in pursuance of this Act, such payment shall be a full discharge and indemnification to such county, stewartry, city, or place for the failure or neglect in raising and training the number of men of the militia for the year in respect whereof such payment shall be made; and the receiver general of Scotland shall, within ten days after the receipt of any such money, certify such receipt to the lord high treasurer and commissioners of his Majesty's Treasury, and forthwith pay the same into the receipt of his Majesty's Exchequer at Westminster; and the money so paid into the Exchequer shall be kept separate and apart from all other money, and shall be accounted for yearly to Parliament, and disposed of as Parliament shall direct; and no fee or gratuity whatsoever shall be given or paid to any officer of the Exchequer for or on account of receiving or issuing any such money.

Collectors shall give receipts for moneys paid; and when the whole assessment upon any county, &c. is paid, it shall be indemnified for not raising its quota of men; and the receiver general shall certify the receipt thereof to the Treasury, and forthwith pay it into the Exchequer, to be disposed of by Parliament.

CLXII. PROVIDED always, and be it further enacted, that the collector of the land tax of every county, stewartry, city, or place in which any such money shall be raised as aforesaid shall be allowed for his pains and trouble the sum of one penny in the pound upon the whole sum so by him received and paid; which allowance every such collector is hereby authorized to detain

Collectors may retain 1*d.* per pound of the money they receive.

in his hands out of the money so received by him, before payment made to the receiver general of Scotland as aforesaid.

Clerk of supply shall transmit annually copies of certificates received from the lieutenant, or if they are not received, shall certify such omission, &c. to the barons of Exchequer and collector of the land tax, &c.;

CLXIII. AND be it further enacted, that the clerk of supply for every county, stewartry, city, or place shall and he is hereby required, within fourteen days next after the first meeting of the commissioners of supply to be held next after the twenty-fifth day of December yearly, to transmit to the lord chief baron and other barons of his Majesty's Court of Exchequer in Scotland, and also to the collector of the land tax for such county, stewartry, city, or place, a copy, signed by such clerk of supply, of every certificate which he shall have received from the lieutenant or any three deputy lieutenants of such county, stewartry, city, or place as aforesaid; and where such certificate shall be omitted to be delivered, the clerk of supply shall certify such omission to the lord chief baron and other barons of his Majesty's Court of Exchequer in Scotland, and also to the collector of the land tax, and that such clerk of supply hath certified the same to the commissioners of supply at such meeting and required such commissioners to proceed according to the directions of this Act; and such clerk of supply shall also certify what proceedings have been had at such meeting in relation to the assessing and raising of the said money where the militia shall not have been raised; and in case such commissioners of supply shall omit, neglect, or refuse to proceed to raise the said money according to the directions of this Act, then the clerk of supply of such county, stewartry, city, or place shall and he is hereby required, within fourteen days next after such general meeting, to certify to his Majesty's attorney in Exchequer in Scotland such omission, neglect, or refusal of such commissioners, and the names of the commissioners who shall be present at such meeting; and the King's attorney in Exchequer is hereby required, on receipt of such certificate, forthwith to proceed, by all such legal ways and means as shall be most effectual and expeditious, to compel such commissioners to pay due obedience to this Act, and to cause the said money to be raised, collected, and paid.

and if commissioners of supply neglect to raise the money as hereby required, the clerk shall certify the same to the King's attorney in Exchequer, who shall compel them to do it.

If 10*l.* per man be not raised in any place, and paid into the Exchequer, his Majesty's attorney in Exchequer shall compel it.

CLXIV. AND be it further enacted, that if the said sum of ten pounds per man to be raised and paid in any such county, stewartry, city, or place as aforesaid shall not be levied, collected, and paid into the Exchequer at Westminster in manner herein-before directed, his Majesty's attorney in Exchequer in Scotland is hereby required forthwith, upon knowledge or information thereof, to proceed, by all such legal ways and means as shall be most effectual and expeditious, to compel the levying and collecting of such money, and the payment thereof into the Exchequer as aforesaid.

Penalty for neglect of duty by clerks of supply, collectors of land tax, chief constables, &c.

CLXV. AND be it further enacted, that if any clerk of supply shall refuse or wilfully neglect to receive, deliver, make, record, or transmit any such certificates as aforesaid, according to the directions and true meaning of this Act, every such clerk of supply so offending shall for every such offence forfeit and pay the sum of one hundred pounds, and shall also forfeit his office, and be rendered incapable of having, receiving, or holding any office of trust, civil or military, under the crown; and if any collector of the land tax, chief constable, petty constable, or other officer, who ought to act and assist in the raising and collecting of the said money, shall wilfully omit, neglect, or refuse to act or assist therein, according to the directions and true meaning of this Act, every

such collector of the land tax so offending shall for every such offence forfeit and pay the sum of two hundred pounds, and every such chief constable so offending shall for every such offence forfeit and pay the sum of fifty pounds, and every such petty constable and other officer so offending shall for every such offence forfeit and pay the sum of twenty pounds; and the King's attorney in Exchequer aforesaid shall and he is hereby required forthwith to lay the same before his Majesty's advocate for Scotland, who is also hereby required, with all due diligence, to prosecute with effect all such commissioners of supply, collectors of the land tax, and other officers who shall omit, neglect, or refuse to perform the duty required of them respectively by this Act, touching the raising, collecting, and paying of the said money; and in case his Majesty's attorney in Exchequer aforesaid shall wilfully omit or delay to proceed against any such justice of the peace, collector of the land tax, or other officers as aforesaid, he shall for every such offence forfeit and pay the sum of five hundred pounds.

The King's attorney in Exchequer shall lay such offences before his Majesty's advocate in Scotland, who shall prosecute.

Penalty on attorney for neglect.

CLXVI. AND be it further enacted, that the provisions of an Act passed in the twenty-fourth year of the reign of his late Majesty King George the Second, intituled "An Act for the rendering justices of the peace more safe in "the execution of their office, and for indemnifying constables and others "acting in obedience to their warrants," [a] shall extend to all his Majesty's lieutenants and to all deputy lieutenants acting in the execution of this Act, in like manner and as fully and effectually as the same extend to justices of the peace acting in the execution of their office.

Provisions of 24 Geo. 2. c. 44. to extend to lieutenants and deputy lieutenants.

CLXVII. AND be it further enacted, that the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in Parliament.

Commissions not to vacate seats in Parliament.

CLXVIII. AND be it further enacted, that no officer, non-commissioned officer, drummer, or private man of the militia shall be liable to any penalty or punishment for or on account of his absence during the time he shall be going to vote at any election of a member to serve in Parliament, or during the time he shall be returning from such election.

Voters going to elections of members not punishable for absence.

CLXIX. AND be it further enacted, that no serjeant, corporal, or drummer of the militia, nor any private man, from the time of his inrolment until he shall be regularly discharged from the militia, shall be compelled to serve as a peace officer or parish officer, or to perform any highway duty commonly called statute work.

Non-commissioned officers, &c. not liable to serve as peace officers, &c., or perform statute work.

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CLXXII. AND be it further enacted, that all fines, penalties, and forfeitures by this Act imposed, the manner of recovery whereof is not by the Act particularly provided for, which shall exceed the sum of twenty pounds, shall be recovered by action of debt, complaint, or information in the Court of Exchequer in Scotland, wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed; and that all fines, penalties, and forfeitures by this Act imposed, the manner of recovery whereof is not particularly provided for, which shall not exceed the sum of twenty pounds, shall,

How penalties shall be recovered and how applied, where not otherwise directed by this Act.

[a] This Act will be found in the Appendix.

on proof upon oath of the offence before any two or more justices of the peace of the county, stewartry, city, or place where the offence shall be committed, be levied by distress and sale of the offender's goods and effects, by warrant under the hands of such justices, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and effects shall have been so distrained and sold; and for want of sufficient distress such justices are hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county, stewartry, city, or place where the offence shall have been committed, for any time not exceeding three months; and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this Act, shall be paid to the clerk or (where there are no clerks) to the commanding officers of the respective regiments or battalions of militia of the respective counties, stewartries, cities, or places where such offences shall have been respectively committed, and shall be made part of the public stock of such regiments or battalions of militia respectively.

No order of conviction shall be removed out of the county, but proceedings shall be forthwith had thereupon.

CLXXIII. AND be it further enacted, that no order of conviction made by any lieutenant of any county, stewartry, city, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant together with any one justice of the peace, or by any justice or justices of the peace by virtue of this Act, shall be removed by bill of advocation out of the county, stewartry, city, town, or place wherein such order or conviction shall have been made to the Court of Session; and that no bill of advocation or suspension shall supersede execution or other proceeding upon any such order or conviction so made in pursuance of this Act, but that execution and other proceedings shall be forthwith had and made thereupon immediately upon conviction.

Limitation of actions.

CLXXIV. AND be it further enacted, that if any action shall be brought against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, and shall be laid in the county, stewartry, city, or place where the cause of complaint did arise, and not elsewhere, unless before the Court of Exchequer in the cases allowed by this Act; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence; and if the defendant or defendants shall be assoilzied in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by the laws of Scotland. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue.

Treble costs.

SCHEDULES to which this Act refer.

SCHEDULE A.

To _____

TAKE notice, that you are hereby required, within fourteen days from the date hereof, to prepare or produce a list in writing, to the best of your belief, of the Christian and surname of each and every man resident in your dwelling house between the ages of eighteen and forty-five, distinguishing every person in your dwelling house of such age as aforesaid claiming to be exempt from serving in the militia, together with the ground of every such claim of exemption; and you are to sign such list with your own name, and to deliver or cause the same to be delivered to me.

Dated the day of

A. B., Constable of

Descriptions.	Names of Persons liable to serve.	Names of Persons exempt.	Ground of Exemption.
Housekeeper.		A. B.	60 years of age.
——	C. D.		
Lodger.	E. F.	——	——
——	G. H.	——	——
——	——	P. R.	Seaman.
Servants.	I. K.	V. S.	
	L. M.	T. R.	
	N. O.		Serving by substitute.

N.B.—If a house is divided in distinct stories or apartments, occupied distinctly, each distinct occupier is required to make this return.

Neglect of compliance with this notice will subject the party to the penalty of ten pounds.

TAKE notice, that the day of at at the hour of in the noon, is appointed for hearing appeals within this subdivision by persons claiming to be exempt from serving in the militia.

A. B., Constable of

SCHEDULE B.

Parish of

MILITIA LIST, made pursuant to the directions of an Act passed in the forty-second year of the reign of King George the Third.

Names returned.	Rank or Occupations.	Infirmity, if any, likely to incapacitate from serving.	Ground of Exemption claimed.

Names of those not returned, or common Appellations.	Rank or Occupation, if known.	Infirmity, if known.	Ground of Exemption, if known.

NOTICE is hereby given, that the day of at the hour of in the noon, at is appointed for hearing appeals; and that all persons who think themselves aggrieved may then appeal, and that no appeal will afterwards be received.

A. B., Constable of

SCHEDULE C.

Subdivision of in the county of

CERTIFICATE of number of men, distinguishing the number liable and the number exempt.

Dated the day of

Parishes or Places.	Number of Men liable to serve.	Number of Men exempt.	Total in each Parish.
A. B. C. D.			
Totals - -			

A. B., Clerk of Subdivision.

SCHEDULE D.

RETURN of men between the age of eighteen and forty-five, in the county of

Dated the day of

Subdivisions.	Number of Men liable to serve.	Number of Men exempt.	Total in each Subdivision.
Totals - -			

A. B., Clerk of General Meetings.

SCHEDULE E.

Subdivision of in the county of

RETURN of Inrolment, dated the day of

Parishes.	Names of Men.			Date of Inrolment.	Ages.	Classes.				
	Principal.	Substitutes.	Volunteers.			1st	2d	3d	4th	Last.
B.	Sam[l] Jones	—	—	April 21	30	×				
C.	Tho[s] Smith	Edw[d] Jones	—	22	—	—	×			
D.	—	—	Tho[s] Gray	23	—	—	—	—	×	
—	—	—	—		—	—				
—	—	—	—	—						×
Totals serving										

Signed A. B., Clerk to Subdivision Meeting.

SCHEDULE F.

RETURN of company in the of the militia of county of dated the day of

Divisions.	Parishes.	Names of Men serving.			Ages.	Classes.				
		Principals.	Substitutes.	Volunteers.		1st	2d	3d	4th	Last.
H.	B.	Sam[l] Jones	—	—	32		×			
—	—	—	Tho[s] Gray	—	24				×	
—	—	—	—	Tho[s] Smith	26	×				
M.	H.	—	—	—	—		×			
—	—	—	—	—	—		×			
Totals -										

Signed A. B., Captain of Company.

SCHEDULE G.

RETURN of Private Militia serving for the county of

Dated the day of

Description of Men.	No. of each.	Years of Service unexpired.					Number of Men in each Class.				
		1.	2.	3.	4.	5.	1st	2d	3d	4th	Last.
Principals - -											
Substitutes - -											
Volunteers - -											
Totals -											

A. B., Clerk to General Meetings.

CHAPTER CXVI.

AN ACT for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements the Land Tax upon which shall have been redeemed or purchased [a]. [26th June 1802.]

WHEREAS the powers and provisions of the several Acts passed in his present Majesty's reign for the redemption and purchase of land tax would be more easily carried into execution if the same were varied and amended in some respects, and were comprised in one Act; and it is expedient that further provision should be made for facilitating the redemption and purchase of the land tax: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every the provisions, powers, rules, directions, and clauses contained in an Act passed in the thirty-eighth year of his present Majesty's reign, intituled "An Act for making perpetual, subject to redemption "and purchase in the manner therein stated, the several sums of money now "charged in Great Britain as a land tax for one year from the twenty-fifth "day of March one thousand seven hundred and ninety-eight;" and in an Act passed in the thirty-ninth year of his said Majesty's reign, intituled "An "Act to enlarge the time limited for the redemption of the land tax, and to "explain and amend an Act made in the last session of Parliament, intituled "'An Act for making perpetual, subject to redemption and purchase in the "'manner therein stated, the several sums of money now charged in Great "'Britain as a land tax for one year from the twenty-fifth day of March one "'thousand seven hundred and ninety-eight;'" and in another Act, also passed in the thirty-ninth year of his said Majesty's reign, intituled "An Act "to amend and render more effectual two Acts passed in the thirty-eighth "year of his present Majesty's reign and the present session of Parliament, "for the redemption and purchase of the land tax;" and in another Act, also passed in the thirty-ninth year of his said Majesty's reign, intituled "An Act "to amend so much of three Acts made in the last and present session of "Parliament, for making perpetual, subject to redemption and purchase, the "several sums of money charged as a land tax, as relates to that part of Great "Britain called Scotland;" and in another Act, also passed in the thirty-ninth year of his said Majesty's reign, intituled "An Act for enlarging the "time limited by certain Acts passed for the redemption of the land tax, for "receiving contracts, and making transfers of stock thereon, and for explaining and amending the said Acts;" and in another Act, also passed in the thirty-ninth year of his said Majesty's reign, intituled "An Act to amend and "render effectual several Acts for the redemption and purchase of the land "tax;" and also in an Act, passed in the thirty-ninth and fortieth years of his said Majesty's reign, intituled "An Act for extending, from the twenty-

Provisions of 38 Geo. 3. c. 60.

39 Geo. 3. c. 6.

39 Geo. 3. c. 21.

39 Geo. 3. c. 40.

39 Geo. 3. c. 43.

39 Geo. 3. c. 108.

39 & 40 Geo. 3. c. 30.

[a] So much of this Act as relates to the purchase of land tax, rep., Stat. Law Rev. Act, 1872.

davits made in Great Britain or Ireland, or beyond the seas.

touching any matter or thing relating thereto that such commissioners may think necessary for their information for the execution of the powers vested in them; and also to require from any person or persons claiming any benefit of preference under this Act the production upon oath or affirmation of any deed, conveyance, or instrument relating to such estate; and to receive any affidavit or deposition in writing upon oath or affirmation which shall be made in any part of the United Kingdom of Great Britain and Ireland before any mayor or magistrate of any city, town, or place therein having authority to administer an oath in any matter civil or criminal in such city, town, or place, or before any justice of the peace of any county or district where the person making such affidavit, deposition, or affirmation shall happen to be, or before any commissioners or persons who are or shall be authorized to take affidavits in causes depending in any of the courts at Westminster; or to receive any affidavit or deposition in writing upon oath or affirmation, which shall be made in any parts beyond the seas before any magistrate of the country, territory, or place having competent power and authority to administer an oath, and residing near the place where the person making such oath or affirmation shall also reside, and be certified and transmitted to the said commissioners under the hand and seal of such magistrate; provided that in every such affidavit, deposition, or affirmation there shall be expressed the addition of the party making the same, and the particular place of his or her abode, and the same shall be intituled an affidavit, deposition, or affirmation made in pursuance of this Act; and in all cases where any affidavit or affidavits is or are by this Act directed to be made and shown to the said respective commissioners, the examination of the person or persons by whom any such affidavit or affidavits is or are directed to be made, by and before such commissioners or any two of them, upon oath or affirmation to be administered in the manner herein-before directed, shall be as valid and effectual for the purposes of this Act as if the affidavit or affidavits hereby required had been made and produced and shown to the said commissioners.

Affidavits to contain certain particulars.

Examination of persons before the commissioners upon oath shall be valid without production of affidavits.

Two commissioners may contract for the redemption of the land tax, according to the assessment made in pursuance of 38 Geo. 3. c. 5. for the year for which the contract shall be entered into.

VIII. AND be it further enacted, that it shall be lawful for the commissioners for the time being acting in the execution of this Act as aforesaid in any county, riding, stewartry, city, borough, cinque port, town, or place, or any two or more of them, to contract and agree with all and every bodies politic and corporate, and companies, whether corporate or not corporate, and feoffees or trustees for charitable or other public purposes, and other persons herein-after described, for the redemption of the land tax hereby or by the said first-recited Act made redeemable, according to the assessment and rate made or to be made, in pursuance of the said Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax, for the year for which such contract shall be entered into, upon the terms and conditions and in the manner herein-after mentioned and prescribed.

Corporations and trustees for charitable, &c. purposes may contract for redemption of land tax.

IX. AND be it further enacted, that it shall be lawful for all bodies politic and corporate, and companies, notwithstanding any statutes of mortmain or other statutes or Acts of Parliament to the contrary, and for all feoffees or trustees for charitable or other public purposes, having any estate or interest in any manors, messuages, lands, tenements, or hereditaments whereon any land tax shall be charged, to contract and agree for the redemption of such land tax or any part thereof.

X. AND be it further enacted, that it shall also be lawful for all other persons having any estate or interest in any manors, messuages, lands, tenements, or hereditaments whereon any land tax shall be charged (except tenants at rack rent for any term of years or from year to year or at will, and except tenants holding under the crown any lands or tenements within the survey and receipt of the Exchequer or the duchy of Lancaster, or under the Duke of Cornwall any lands or tenements belonging to and parcel of the duchy of Cornwall, for any term of years or from year to year or at will) to contract and agree for the redemption of such land tax or any part thereof.

All other persons (except tenants at rack rent, or of Crown lands, &c.) may contract for redemption of land tax.

XI. AND be it further enacted, that where two or more persons shall be seised or entitled in undivided shares and proportions, either as coparceners, heirs portioners, tenants in common, or joint tenants, of or to any manors, messuages, lands, tenements, or hereditaments, it shall be lawful for any one or more of such persons to contract and agree for the redemption of his, her, or their proportion of the land tax charged thereon, in the same manner as if such proportion of land tax had been separately charged on such manors, messuages, lands, tenements, or hereditaments, and as if such person or persons was or were solely seised or entitled of or to the same; and if any one or more of such person or persons who shall be so seised or entitled in undivided shares or proportions as aforesaid shall neglect or refuse to redeem his, her, or their proportion or proportions of the land tax charged on such manors, messuages, lands, tenements, or hereditaments, then and in such case it shall be lawful for any other or others of such persons (after giving three calendar months notice of his, her, or their intention to the person or persons so neglecting or refusing as aforesaid) to contract and agree for the redemption of the proportion or proportions of the person or persons so neglecting or refusing to redeem of and in such land tax.

Any one or more coparceners, &c. may contract for the redemption of his or their proportion of the land tax, and for the proportions of any others that may refuse to redeem.

XII. AND be it further enacted, that it shall be lawful for any company or companies of proprietors of canals or other navigations or other works of public utility, established or sanctioned by the authority of Parliament, to contract and agree for the redemption of the land tax charged as well on the tolls and other profits arising from such canals or navigations or other such works of public utility, as on any messuages, lands, tenements, or hereditaments belonging thereto; or it shall be lawful for each and every of the respective proprietors to contract and agree for the redemption of their respective shares or proportions of such land tax, and also for the shares or proportions of other proprietors neglecting or refusing to redeem their shares or proportions, in like manner as coparceners, heirs portioners, tenants in common, and joint tenants are hereby authorized to redeem the land tax charged on other hereditaments.

Navigation companies, &c. may contract for the redemption of their land tax, or individual proprietors for their proportions, or the proportions of others that may refuse to redeem.

XIII. AND be it further enacted, that, notwithstanding anything in the said recited Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax contained to the contrary thereof, it shall be lawful for all persons having any shares or interests in the New River, or in the Thames waterworks, or in Mary-le-bone or Hampstead waterworks, or in any office or stock for insuring houses in case of fire, or in any lights, or in any stock or stocks for printing of books in or belonging to the house commonly called the King's Printing house, and all companies of merchants in London, and the Bank of England, and also the proprietors of

Shareholders in waterworks, insurance offices, lights, and stock in King's printing office, companies of merchants in London, and the Bank, may contract for the redemption of the land tax on their shares.

the respective waterworks within the town of Colchester in the county of Essex, the city and county of Exeter, and the town of Shrewsbury, to contract and agree for the redemption of the tax charged or to be charged by way of land tax upon such their respective shares, interests, joint stock and stocks, and profits aforesaid; or it shall be lawful for any individual proprietor thereof, either jointly or severally, to contract and agree for the redemption of so much and such part or parts of the said tax as shall be equivalent to the share or shares of any individual proprietor, or any number of proprietors, in such shares, interests, joint stock and stocks, and profits aforesaid, upon the same terms and conditions and in the same manner as herein is directed with respect to the land tax charged upon any manors, messuages, lands, tenements, or hereditaments.

Committees, trustees, &c. may contract for redemption of the land tax on behalf of the persons for whom they act.

XIV. AND be it further enacted, that it shall be lawful for all committees and curators of lunatics or of idiots, and for all tutors and guardians of infants, and for all persons having authority to act for infants, married women, and other persons incapable of acting for themselves, to contract and agree, on behalf of such lunatics, idiots, infants, married women, and other persons incapable of acting for themselves, for the redemption of any land tax hereby or by the said first-recited Act made redeemable, which such lunatics, idiots, infants, married women, or other persons incapable of acting for themselves could or might have redeemed by virtue of this Act if they respectively had not been under any incapacity; and it shall also be lawful for all trustees to contract and agree in like manner on behalf of the persons for whom they shall be trustees for the redemption of any land tax hereby made redeemable which shall be charged on any manors, messuages, lands, tenements or hereditaments or other property of which they shall be trustees.

Governors of Queen Anne's bounty may contract for redemption of the land tax on livings not contracted for by incumbents.

XV. AND be it further enacted, that it shall be lawful for the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy to contract and agree for the redemption of the land tax charged or hereafter to be charged upon the lands, tithes, or other profits arising from any living or livings within the meaning of the charter granted in the reign of Queen Anne, or any Act or Acts now in force directing the application of such bounty, which shall not have been contracted for by the incumbent or incumbents thereof.

Trustees of property given for the benefit of the poor clergy may contract for redemption of the land tax on lands, &c. belonging to livings.

XVI. AND be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy in England, with such consent as is required by such will, to contract and agree for the redemption of the land tax charged or hereafter to be charged upon the lands, tithes, or other profits arising from such living or livings belonging to the Church of England as the trustees for the time being, with such consent as aforesaid, shall think fit.

Patrons of livings may contract for redemption of the land tax thereon, not redeemed by incumbents.

XVII. AND be it further enacted, that where the land tax charged upon the glebe lands, tithes, or other profits of any living or livings in the patronage of any college, cathedral church, hall, or house of learning in either of the universities of Oxford or Cambridge, or in the patronage of either of the colleges of Eton or Winchester, or of any trustee or trustees for any such college, cathedral church, hall, or house of learning as aforesaid, or in the patronage of any other bodies politic or corporate, or companies, or feoffees

or trustees for charitable or other public purposes, or other person or persons, shall not then have been redeemed by the incumbent or incumbents of such living or livings, it shall be lawful for the corporations of such colleges, cathedral churches, halls, or houses of learning respectively, or for such other bodies politic or corporate, or companies, or other person or persons aforesaid in whose patronage any such living or livings shall be, to contract and agree for the redemption of such land tax, upon the same terms and with the same benefits and advantages as the incumbent or incumbents of such living or livings could or might have contracted to redeem the same.

Corporations and persons herein-before empowered to contract for redemption of any land tax shall have the preference till 24th June 1803.

XVIII. AND be it further enacted, that all such bodies politic and corporate, and companies, and feoffees or trustees for charitable or other public purposes, and other persons herein-before described and empowered to contract for the redemption of any land tax (whether in respect of any such estate, right, or interest, or otherwise as aforesaid) shall be entitled so to contract for such land tax in preference to all other bodies politic and corporate and persons whatever not having any estate or interest therein, provided they shall contract on or before the twenty-fourth day of June one thousand eight hundred and three. [Rep., Stat. Law Rev. Act, 1872.]

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Corporations, trustees, and persons entitled to preference till 24th June 1803, may thereafter contract for the redemption of the land tax unsold.

XX. PROVIDED also, and be it further enacted, that all bodies politic and corporate, and companies, and feoffees or trustees for charitable or other public purposes, and other persons, to whom such benefit of preference is given until the twenty-fourth day of June one thousand eight hundred and three as aforesaid, may at any time thereafter contract and agree for the redemption of the land tax charged on their respective manors, messuages, lands, tenements, or hereditaments, wherein they shall have any estate or interest as aforesaid, in the same manner, and under the same terms and conditions (except as to the period allowed for the transfer or payment of the consideration), as such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other persons may do prior to the said twenty-fourth day of June one thousand eight hundred and three, . . .

. . . . . .

Where corporations or trustees for charitable, &c. purposes shall treat for sale of lands held under demise from them, and shall obtain a certificate from two commissioners, they may during the period specified therein contract for the redemption of the land tax on such lands, in preference to the persons holding them under such demise.

XXI. AND be it further enacted, that where any bodies politic or corporate, or companies, or any feoffees or trustees for charitable or other public purposes as aforesaid, shall, in pursuance of the powers of the said recited Acts or any of them, have entered or shall hereafter enter into any treaty for the sale of any of their manors, messuages, lands, tenements, or hereditaments holden under any demise made by them, by copy of court roll or otherwise, for lives, or for any term or terms of years determinable on lives or for years absolute, or shall have made or shall hereafter make any application to the commissioners acting in the execution of this Act by virtue of his Majesty's letters patent under the great seal for their sanction and approbation of any such sale as aforesaid, and shall obtain a certificate under the hands of any two of the same commissioners that in their opinion such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes are proceeding or intend to proceed bonâ fide and with reasonable diligence to carry such sale into execution (which certificate shall specify for what period of time the same shall run and operate), it shall be lawful for such bodies politic and corporate, or companies, and feoffees or trustees for charitable or other public purposes, during the continuance of such period (notwithstanding anything in this Act contained to the contrary) to contract and agree for the redemption of the land tax charged on their manors, messuages, lands, tene-

ments, or hereditaments, in preference to any person or persons, bodies politic or corporate, or companies, having or holding such manors, messuages, lands, tenements, or hereditaments under any such demise as aforesaid: Provided always, that such bodies politic and corporate, or companies, or feoffees or trustees for charitable or other public purposes, hereby enabled to contract with such preference as aforesaid, shall produce such certificate as aforesaid to the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual for the county, riding, or place where the manors, messuages, lands, tenements, or hereditaments the land tax whereof shall be proposed to be redeemed shall be situate.

The consideration for the redemption shall be so much in the 3 per cents. as will produce a dividend exceeding the amount of the land tax redeemed by 1-10th.

XXII. AND be it further enacted, that the consideration to be given for the redemption of any such land tax as aforesaid shall be so much capital stock of public annuities transferrable at the Bank of England bearing interest after the rate of three pounds per centum per annum, commonly called the three pounds per centum consolidated annuities and the three pounds per centum reduced annuities, or one of them, as will yield an annuity or dividend exceeding the amount of the land tax so to be redeemed as aforesaid by one tenth part thereof, such capital stock to be transferred to the commissioners appointed by an Act of the twenty-sixth year of the reign of his present Majesty for the reduction of the national debt, in trust for the purposes of this Act.

Where the land tax to be redeemed in any place for which separate commissioners are appointed shall not exceed 25*l.* per ann., the consideration may be paid in money to the receiver general of the land tax of the place in England, or to the collector in Scotland, and shall be calculated according to the price of stock and the table in schedule (L.)

XXIII. PROVIDED always, and be it further enacted, that where the land tax so to be redeemed in any county, riding, division, shire, stewartry, or place for which separate commissioners under the royal sign manual are or shall be appointed to act shall not exceed the sum of twenty-five pounds per annum, it shall be lawful to pay the consideration for the same in lawful money of Great Britain, in lieu of transferring stock in the three pounds per centum bank annuities; and such consideration shall be paid into the hands of the receiver general of the land tax for the county, riding, or place in England, or his deputy, or to the collector for the shire, stewartry, or place in Scotland, where the manors, messuages, lands, tenements, or hereditaments of which the land tax shall be so redeemed shall be situate; and the amount of the money to be paid as the consideration for the redemption of any such land tax shall be calculated, settled, and ascertained according to the price of stock to be from time to time transmitted to such receiver general or his deputy in England, or collector in Scotland, in the manner herein-after directed, and according to the table in the schedule to this Act annexed marked (L.), and the rules and directions therein contained.

Bank shall transmit weekly accounts of the average price of the 3 per cent. consols or 3 per cent. reduced annuities to the commissioners for taxes, who shall publish

XXIV. AND to the end that such receivers general or their deputies and such collectors may be enabled to settle and adjust the sums which ought in such cases to be paid as the consideration for the redemption of any land tax, be it further enacted, that from the time when the books of the governor and company of the Bank of England shall be opened for the transfer of three pounds per centum consolidated bank annuities after the fifth day of January in every year, and until the books shall be opened for the transfer of three pounds per centum reduced bank annuities after the fifth day of April in such year, and so from time to time when the said books shall be opened for the transfer of three pounds per centum consolidated annuities after the fifth day of July in every year, until the books shall be opened for the transfer of three

pounds per centum reduced bank annuities after the tenth day of October in such year, the cashier or cashiers of the said governor and company of the Bank of England shall and they are hereby required, on Tuesday in every week, the same not being a holiday, or being a holiday then on the day preceding not being a holiday, to cause an account to be made out of the average price at which the three pounds per centum consolidated annuities shall have been bought on such day (or otherwise on the following open day on which such stock shall be bought, in case any stock shall have been bought at the Bank of England on such day), and shall cause the same to be transmitted to the commissioners for the affairs of taxes, and so from time to time when the books shall be opened at the Bank of England for the transfer of three pounds per centum reduced annuities after the fifth day of April in every year, until the books shall be opened at the Bank of England for the transfer of three pounds per centum consolidated annuities after the fifth day of July in such year, and so from time to time when the said books shall be opened at the said Bank of England for the transfer of three pounds per centum reduced annuities after the tenth day of October in every year, and until the books shall be opened for the transfer of three pounds per centum consolidated annuities after the fifth day of January then next ensuing, the said cashier or cashiers shall and they are hereby required to transmit to the commissioners for the affairs of taxes such and the like account of the average price of three pounds per centum reduced annuities as is herein-before directed to be transmitted of the average price of three pounds per centum consolidated annuities; and the commissioners for the affairs of taxes shall thereupon cause to be published in the London Gazette, and also transmitted to the respective receivers general in the several counties, ridings, divisions, or places in England, or to their respective deputies, and to the receiver general in Scotland, to be by him transmitted to the respective collectors in the several shires, stewartries, and places in Scotland, an account of the price which according to the heads of the respective columns in the said schedule contained ought to be the consideration for the redemption of such land tax, which account so published and transmitted shall be sufficient authority to such receivers general or their deputies, and to such collectors respectively, to settle and adjust the sums which, according to the tables, rules, and directions in the said schedule contained, ought to be paid as the consideration for the redemption of such land tax, on all payments to be made pursuant to the said account.

in the Gazette, and transmit to the receivers general, an account of the price which ought to be the consideration for the redemption of land tax.

XXV. AND be it further enacted, that where the consideration for the redemption of any land tax shall be in stock, and such land tax shall be contracted for by any bodies politic or corporate, or companies, or other person or persons, entitled to such benefit or preference as aforesaid before or on the said twenty-fourth day of June one thousand eight hundred and three, the whole amount of the consideration shall be transferred within the period of five years from the twenty-fourth day of June one thousand eight hundred and two; and [Rep., Stat. Law Rev. Act, 1872.] where any such land tax shall be contracted for by any such bodies politic or corporate, or companies, or other person or persons aforesaid, after the said twenty-fourth day of June one thousand eight hundred and three, the whole amount of such consideration shall be transferred within the period of two years from the date of such contract, and the consideration in every such case shall be transferred to the commissioners for the reduction of the national debt, by four instalments in every year; (videlicet,) either on or before the first day of May, the

The consideration for redemption of any land tax after 24th June 1803 shall be transferred within two years from date of contract to the commissioners for reduction of the national debt, by four instalments yearly, or the whole may be transferred at once,

or by shorter instalments.

first day of August, the first day of November, and the first day of February in each year, the first instalment to be made on or before such of the said days as shall next ensue the entering into the contract: Provided always, that it shall be lawful for any bodies politic or corporate, or companies, or other persons before described, to stipulate with the said commissioners with whom the contract shall be made for the transfer of the whole of the said capital stock at one time, or that the same shall be transferred by instalments within any shorter period or periods than the periods herein-before prescribed, so that the same be by even instalments, at equal intervals within the period stipulated, and on or before the respective days before mentioned in each year, or on such of the said days as shall fall within the period stipulated for such transfer: Provided also, that it shall be lawful to transfer the whole stock so agreed to be transferred as the consideration for the redemption of any land tax, or any part thereof, in advance to the commissioners for the reduction of the national debt, notwithstanding any stipulations in the contract to the contrary: Provided also, that if the whole of the stock so agreed to be transferred shall not be transferred at one time, but by instalments, and if a division of the entire quantity of stock into equal sums, to be paid by such instalments, would occasion a fraction less than the fraction of one penny, the fractional part or parts less than one penny necessary to such equal division shall be taken from every prior instalment, and added to the last instalment, so as to avoid any fraction less than a penny.

Fractions less than 1*d.* to be avoided.

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Where the consideration shall be in money, it may be paid at once, or by instalments, not exceeding eight, payable in two years, according to the price of stock and the table in schedule (L.).

XXVII. AND be it further enacted, that where the consideration for the redemption of any land tax shall be in lawful money of Great Britain, the same shall be paid either by one payment or by equal instalments, as the party shall choose and shall cause to be stipulated in the contract, so as that such instalment shall not exceed eight in number, and that the whole consideration be paid within the period of two years from the date of the contract, according to the price of stock to be transmitted as herein-before is directed to the respective receivers general in England and collectors in Scotland in the second week subsequent to the day of entering into the contract, but in cases where the whole consideration shall not be paid at one time, but shall be by instalments, then for every second and subsequent instalment, according to the price of stock transmitted in the week preceding the day or days stipulated, and conformably to the table, rules, and directions contained in the schedule marked (L.); and in every such case the sum stipulated to be paid shall be duly paid to the respective receivers or their deputies in England, or the respective collectors in Scotland, on the day or days stipulated for the payment thereof: Provided always, that if the consideration shall be to be paid by instalments, and if a division of the entire amount of land tax into equal instalments would occasion a fraction less than the fraction of one farthing, the fractional part or parts less than one farthing necessary to such equal division shall be taken from every prior instalment of land tax, and be added to the last instalment, so as to avoid any fraction less than one farthing.

Fractions less than one farthing to be avoided.

The whole consideration or any part may be paid, in advance, on 21 days pre-

XXVIII. PROVIDED always, and be it further enacted, that it shall be lawful to pay to the receivers general in England or collectors in Scotland respectively the whole of such consideration, or any part thereof, in advance, notwithstanding any stipulation in the said contract to the contrary; provided

the bodies politic or corporate, or companies, or persons desirous of making any such payments in advance, shall give twenty-one days previous notice in writing at the least to every such receiver general or collector, of such their intention; and every such receiver general or his deputy in England, or collector in Scotland, shall, immediately upon the receipt of such notice, transmit to the commissioners for the affairs of taxes, for the information of the commissioners of his Majesty's Treasury, an account of the payments so intended to be made in advance, and of the day or days on which the same are intended to be made; and all such payments in advance shall be made according to the price of stock to be transmitted to such receiver general or his deputy, or collector, in the week preceding the day or days of such payments, and the table, rules, and directions in the said schedule marked (L.) contained.

vious notice to the receiver general or collector, who shall transmit to the commissioners for taxes, for the information of the Treasury, an account of such intended payments, which shall be made according to the price of stock transmitted in the week preceding the payment and the table in schedule (L.)

XXIX. AND be it further enacted, that upon every such contract upon which the transfer of stock or payment of money shall be made by instalments there shall be paid, at the time of making the second and so of every subsequent instalment upon such contract, into the hands of the cashier or cashiers of the governor and company of the Bank of England (in cases where the consideration shall be in stock), and into the hands of the receivers general in England or collectors in Scotland (in cases where the consideration shall be in money), to the use of his Majesty, his heirs or successors, a sum of money by way of interest equal to the amount of the land tax redeemed, deducting therefrom a sum bearing the same proportion to such land tax as the amount of the stock then before transferred bears to the whole amount of the stock agreed to be transferred, or (in cases of consideration in money) the number of instalments then before paid bears to the number of instalments agreed to be paid as the consideration for such contract, having regard in cases of considerations in stock to the time when the first dividend after the transfer of such stock will become payable; of which sums so to be paid by way of interest a separate account shall be kept at the Bank of England, and by such respective receivers and collectors, and the same shall from time to time be paid separately into the receipt of his Majesty's Exchequer, and shall be applicable to such uses and purposes as shall have been or shall be voted by the Commons in Parliament [Rep., Stat. Law Rev. Act, 1872.]; and the receipt of the cashier of the Bank of England, and of such receiver general or collector, as the case may be, shall be a sufficient discharge to the party paying such sum by way of interest as aforesaid: Provided always, that from and after the transfer of any stock, or the payment of any money in advance, all interest on account of such stock so transferred, or of such money so paid in advance, shall cease and be no longer payable.

On making the second and every subsequent instalment, interest shall be paid, to be calculated as hereby directed.

A separate account of interest shall be kept, and the interest shall be paid separately into the Exchequer.

XXX. AND be it further enacted, that all and every bodies politic and corporate, or companies, or other persons claiming on their own behalf or on the behalf of others the benefit of preference hereby given, shall produce to any two commissioners of land tax acting in and for the hundred, ward, lathe, wapentake, rape, or other division of the county, riding, city, borough, cinque port, town, or place in England, or if in Scotland to any two commissioners of supply of the county or stewartry, or chief magistrate of the city or borough within which any manors, messuages, lands, tenements, or hereditaments or other property the land tax whereof shall be proposed to be redeemed by virtue of this Act shall be situate, a schedule or description in writing of such manors, messuages, lands, tenements, or hereditaments or other property, which schedule shall contain the respective natures of the premises, and the name or names of the respective occupiers thereof, and the parish or place where the same shall be situate; and the said commissioners of land tax or supply or chief magistrate respectively shall ascertain,

Corporations and persons claiming benefit of preference shall produce a description of the property to two commissioners of the land tax or supply, who shall settle and certify the amount of the land tax there-

on, according to the form in schedule (A.)

settle, and adjust the amount of the land tax charged upon the respective manors, messuages, lands, tenements, or hereditaments or other property contained in such schedule, distinguishing according to the form and method in the schedule to this Act annexed marked (A.) the district or division, and also the parish or place, parishes or places within which, and the manors, messuages, lands, tenements, or hereditaments or other property upon which each separate assessment of land tax shall be charged, and shall grant a certificate thereof to the bodies politic or corporate, or companies, or other person or persons applying for the same; who shall thereupon produce such certificate to the respective commissioners acting in the execution of this Act for the same place by virtue of his Majesty's warrant under the royal sign manual, or transmit the same to their clerk, and if the land tax proposed to be redeemed shall not exceed the sum of twenty-five pounds, and the consideration for the redemption thereof is to be in money, shall specify the same in writing, and whether the same is proposed to be paid in one sum or by instalments, and also the day or days on which the same is proposed to be paid; and the said last-mentioned commissioners are hereby authorized and required to examine such certificate and amend the same if necessary, and thereupon to contract and agree with the bodies politic or corporate, or companies, or other persons applying for the redemption of such land tax according to the directions of this Act; and the said last-mentioned commissioners shall cause the description of the manors, messuages, lands, tenements, or hereditaments or other property comprised in the certificate of land tax to be inserted in the certificate of the contract. [Rep., Stat. Law Rev. Act, 1872.]

Certificates to be produced to the commissioners under this Act to be examined, who may agree with the parties for the redemption of the land tax.

Where the consideration shall be in stock, the certificate of the contract shall be according to schedule (B.), and where in money according to schedule (C.)

XXXI. AND be it further enacted, that where the consideration for the redemption of any land tax shall be in stock the certificate of the contract shall be in the form mentioned in the schedule to this Act annexed marked (B.), and where the consideration for such redemption shall be in lawful money of Great Britain such certificate shall be in the form mentioned in the schedule to this Act annexed marked (C.) [Rep., Stat. Law Rev. Act, 1872.]

Where the commissioners under this Act shall have copies of assessments of land tax transmitted to them according to 39 Geo. 3. c. 21. they may contract with the parties for the redemption of their land tax, although they do not produce certificates of the amount; but such persons shall send to the clerk of the commissioners a like description of the property as is required to be produced to the commissioners of land tax or supply, which, with a copy of the assessment, shall be inserted in the certificate of contract.

XXXII. AND be it further enacted, that where the said commissioners acting in the execution of this Act as aforesaid shall have in their possession copies of the respective assessments of land tax charged upon the respective parishes or places in their respective counties, ridings, divisions, stewartries, or places, which shall have been transmitted to them as true copies by the clerks to the commissioners of land tax acting in and for any hundred, ward, lathe, wapentake, or other division in England, or by the clerks to the commissioners of supply in Scotland of the county, stewartry, city, or burgh wherein such parishes or places shall be situate, according to the directions of the said secondly-recited Act of the thirty-ninth year of his present Majesty's reign, it shall be lawful for the said commissioners acting in the execution of this Act as aforesaid to contract and agree with any bodies politic or corporate, or companies, or other person or persons for the redemption of the land tax charged upon their respective manors, messuages, lands, tenements, or hereditaments, although no certificate of the amount of such land tax shall be produced and shown to them by the bodies politic or corporate, or companies, or other person or persons applying to redeem the same: Provided always, that such bodies politic or corporate, or companies, or other person or persons shall transmit to the clerk of the said commissioners acting in the execution of this Act as aforesaid such or the like schedule or description in writing of all and every the said manors, messuages, lands, tenements, or hereditaments charged with such land tax as is hereby required to be produced to the said commissioners of land tax or supply; and the said commissioners acting in the execution of this Act shall cause to be inserted in every certificate of such contract the description of the manors, messuages, lands, tenements, or hereditaments or other property contained in such schedule, and also a true copy of the assessment so far as relates to such manors, messuages, lands, tenements, or hereditaments or other property, together with the amount of the land tax charged thereon, according to such copy of the assessment as shall be in their possession as aforesaid. [Rep., Stat. Law Rev. Act, 1872.]

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Where tithes, fee farm rents, &c. have not been assessed or not been distinctly as-

XXXV. AND be it further enacted, that in case any difficulty shall arise in the redemption of land tax which ought to be charged on any tithes, or any fee farm rents, feu duties, or other rents, or any lands, tenements, or hereditaments, because such tithes, rents, feu duties, lands, tenements, or hereditaments shall not have been assessed or not distinctly assessed to the land tax, or because the land tax has been deducted out of any such rents by the owners

or occupiers of the lands charged with such rents, it shall be lawful for the bodies politic or corporate, or companies, or other person or persons entitled to such tithes, rents, feu duties, lands, tenements, or hereditaments, to apply to the commissioners of land tax or supply to settle and adjust the proportion of land tax which ought to be borne and paid by such bodies politic or corporate, or companies, or other person or persons, on account of such tithes, rents, feu duties, lands, tenements, or hereditaments which shall not have been assessed or not distinctly assessed to the land tax; and such commissioners of land tax or supply, or any two of them, shall thereupon ascertain, settle, and adjust the same, and grant a certificate thereof; and upon the production of such certificate it shall be lawful for the commissioners acting in the execution of this Act as aforesaid to contract and agree with such bodies politic or corporate, or companies, or other person or persons respectively, for the redemption of such land tax; and it shall be lawful for all such bodies politic or corporate, or companies, or other person or persons, to do all acts necessary for the purpose of carrying such contracts into execution, in the same manner as if such tithes, rents, feu duties, lands, tenements, or hereditaments had been distinctly assessed to the land tax.

sessed to the land tax, or land tax has been deducted out of rents, the commissioners of land tax or supply may adjust the proportions of land tax payable, and on their certificate being produced the commissioners for executing this Act may contract with the parties accordingly;

XXXVI. PROVIDED always, and be it further enacted, that where any such rents or feu duties as aforesaid, and the manors, messuages, lands, tenements, or hereditaments out of which the same may issue, shall not be distinctly assessed to the land tax as aforesaid, it shall be lawful for the commissioners for the time being acting in the execution of this Act as aforesaid, upon the application of the bodies politic or corporate, or companies, or other person or persons entitled to such rents or feu duties, or to such manors, messuages, lands, tenements, or hereditaments respectively, and who shall be desirous of redeeming their respective proportions of such land tax, to settle and adjust the proportions of such land tax, which ought to be borne in respect of such rents or feu duties, and in respect of such manors, messuages, lands, tenements, or hereditaments respectively, in like manner as such commissioners of land tax or supply as aforesaid are empowered to settle and adjust the same, and thereupon to contract and agree with the bodies politic or corporate, or companies, or other person or persons making such application as aforesaid, for the redemption of their respective proportions of such land tax.

The proportions may, in the like cases, be adjusted by the commissioners for executing this Act on application to them.

XXXVII. AND be it further enacted, that whenever any such certificate or schedule as aforesaid shall be produced or transmitted by any bodies politic or corporate, or companies, or other person or persons, in pursuance of this Act, for the purpose of entering into any contract for the redemption of land tax by payment of the consideration in money, the clerk to the commissioners acting in the execution of this Act as aforesaid shall forthwith cause an account to be transmitted to the commissioners for the affairs of taxes, for the information of the commissioners of his Majesty's Treasury, and also to the receiver general of the county, riding, or place, if in England, or to the receiver general if in Scotland, which shall specify the amount of the land tax proposed to be redeemed, and the day or days of payment on which the whole consideration or the different instalments thereof (as the case may be) shall be proposed to be paid; . . . . . .

When certificate &c. shall be produced for entering into contract for redemption of land tax by payment of the consideration in money, the clerk to the commissioners for executing this Act shall transmit an account to the commissioners for taxes, and to the receiver general, of the land tax proposed to be redeemed.

XXXVIII. AND be it further enacted, that upon the production of the certificate of any such contract as aforesaid at the Bank of England, in cases where the consideration shall be in stock, and upon the transfer to the commissioners

On production of certificate of contract at the Bank, and

transfer of the consideration, or the first instalment, where in stock, the cashier of the Bank shall grant a receipt for the transfer, which shall be indorsed on the certificate of contract in the form in schedule (E.); and on production of certificate to the receiver general, &c., and payment of the consideration, or the first instalment, where in money, a receipt shall be granted, and indorsed on the certificate in the form in schedule (F.)

for the reduction of the national debt of the three pounds per centum bank annuities to be transferred as the consideration for the redemption of the land tax thereby contracted for, or of such proportion of such bank annuities as shall have been agreed to be transferred as the first instalment thereof, every such body politic or corporate, or company, or other person or persons shall be entitled to have a certificate or receipt from the cashier or cashiers of the governor and company of the Bank of England acknowledging such transfer, which certificate or receipt the said cashier or cashiers is or are hereby required to give, and the same shall be indorsed on the certificate of such contract in the form prescribed in the schedule to this Act annexed marked (E.); and in cases where the consideration shall be in money, then upon the production of the certificate of such contract to the receiver general for the county, riding, or place in England, or his deputy, or the collector for the shire, stewartry, or place in Scotland where the manors, messuages, lands, tenements, or hereditaments, or other property of which the said land tax shall be so redeemed shall be situate, and upon payment to such receiver general or his deputy, or such collector, of the sum of money to be paid as the consideration for such redemption, or of the proportion of any such sum as shall have been agreed to be paid as the first instalment thereof (which sum of money such receiver general or his deputy, or such collector, is hereby authorized and required to receive accordingly), every such body politic or corporate, or company, or other person or persons shall be entitled to a certificate or receipt from such receiver general or his deputy, or such collector, acknowledging such payment, which shall be indorsed on the certificate of the contract in the form prescribed in the schedule to this Act annexed marked (F.); and every such certificate or receipt of the cashier or cashiers of the Bank of England, or of such receiver general or his deputy in England, or of such collector in Scotland, shall be an acquittance and discharge to the bodies politic or corporate, or companies, or other person or persons transferring such stock or paying such money as aforesaid; and upon the transfer or payment of such consideration, or of such proportion thereof as shall have been agreed to be transferred or paid as the first instalment thereof, the manors, messuages, lands, tenements, and hereditaments or other property comprised in such contract shall be wholly freed and exonerated from the land tax charged thereon and from all further assessments thereof from such of the quarterly days of payment of land tax as shall next precede the day of the transfer or payment of such consideration or the first instalment thereof, provided the certificate of the contract shall be duly registered pursuant to the directions of this Act: Provided always, that where any contract for the redemption of any land tax shall not be registered within the period hereinafter prescribed, the manors, messuages, lands, tenements, or hereditaments or other property therein comprised shall only be exonerated from the land tax charged thereon from such of the said quarterly days of payment of land tax as shall next precede the day whereon such contract shall be left at the proper office for the purpose of being registered; but all such manors, messuages, lands, tenements, or hereditaments or other property whereof the land tax shall be so redeemed shall be charged and chargeable with the payment of the land tax up to and upon such next preceding quarterly day of collection or payment of land tax as aforesaid.

Receipts to be discharges.

On transfer or payment of consideration, or first instalment, the lands shall be exonerated from land tax from the preceding quarter day, provided the certificate of contract be duly registered, otherwise only from the quarter preceding the day of its being left for registration.

When one or more coparceners &c. shall

XXXIX. AND be it further enacted, that when any one or more of any persons who shall be seised or entitled in undivided shares and proportions, as

coparceners, or heirs portioners, tenants in common, or joint tenants, of or to any manors, messuages, lands, tenements, or hereditaments, shall redeem his, her, or their proportion of the land tax charged thereon, and partition shall at any time afterwards be made of the said manors, messuages, lands, tenements, or hereditaments between such coparceners, or heirs portioners, tenants in common, or joint tenants, then and in such case the manors, messuages, lands, tenements, or hereditaments which shall upon such partition be allotted to the person or persons who shall so have redeemed his, her, or their proportion of the said land tax shall, immediately upon such partition being completed, be and become exonerated and discharged from such land tax and every part thereof.

redeem their land tax, and partition shall thereafter be made, their allotments shall be immediately exonerated from land tax.

XL. AND be it further enacted, that in all cases where in any contract which shall have been entered into by virtue of the said recited Acts for the redemption of land tax or any of them an option shall have been declared to consider the bodies politic or corporate, or companies, or other person or persons contracting for such land tax, on the same footing as a person not interested in the manors, messuages, lands, tenements, or hereditaments comprised in such contract, by reason whereof the said manors, messuages, lands, tenements, or hereditaments shall remain chargeable with the land tax, and such bodies politic or corporate, or companies, or other person or persons, or their respective successors, heirs, executors, administrators, or assigns, shall be desirous of exonerating such manors, messuages, lands, tenements, or hereditaments from land tax, it shall be lawful for them respectively, at any time hereafter, to make application for that purpose to the commissioners acting in the execution of this Act as aforesaid for the county, riding, shire, stewartry, city, town, or place where such manors, messuages, lands, tenements, or hereditaments shall be situate; and on any such application, and on the production of a certificate under the hands and seals of any two of the commissioners of land tax acting for the division or place wherein the same shall be situate of the amount of the land tax then charged on such manors, messuages, lands, tenements, or hereditaments, and of the certificate of the contract for the redemption of such land tax, to the said commissioners acting in the execution of this Act as aforesaid, it shall be lawful for them or any two or more of them to contract with such bodies politic or corporate, or companies, or other person or persons, their respective successors, heirs, executors, administrators, or assigns, for exonerating their said manors, messuages, lands, tenements, or hereditaments from land tax; and in every such case where it shall appear by such certificate and contract that no variation has taken place in the meantime in the amount of such land tax, to amend or cause to be amended the certificate of any such contract, by striking out all such parts thereof as relate to the declaration of such option therein, and to certify their having so done under their respective hands and seals on the back of such certificate, and after the registry of such certificate and such indorsement thereon in the manner herein directed (whether such certificate shall have been previously registered or not), the manors, messuages, lands, tenements, and hereditaments comprised therein shall be wholly exonerated from land tax from such of the quarterly days of collection and payment of land tax as shall next precede the day whereon such certificate of contract shall be left at the proper office for the purpose of being registered as last mentioned; and whenever it shall appear in any such case, by the certificate of the amount of land tax, and the certificate of the contract for redemption thereof

Where under recited Acts an option shall have been declared by persons, &c. contracting for redemption to be considered on the footing of persons not interested in the lands, by reason whereof such lands shall remain chargeable with land tax, the commissioners for executing this Act may contract with such persons for the redemption of the tax.

Method of proceeding where the tax has not varied in amount.

respectively, that the amount of land tax then charged upon the manors, messuages, lands, tenements, and hereditaments comprised therein is either more or less than the amount of land tax redeemed by such contract, it shall be lawful for such commissioners, or any two of them, to rescind such contract, and to enter into a new contract for the redemption of the land tax which shall be then charged upon the said manors, messuages, lands, tenements, and hereditaments, without any declaration of an option being inserted therein, and to indorse on the certificate of such new contract a true copy of any receipt or receipts indorsed on the original certificate of the contract purporting to be given by any cashier or cashiers of the Bank of England, or by any receiver or receivers general of land tax in England, or collector in Scotland, for the consideration, or any part thereof, to be transferred or paid, and actually transferred or paid, on such original contract; provided that no such manors, messuages, lands, tenements, or hereditaments shall be exonerated in any case where any such land tax shall have been increased, unless the bodies politic or corporate, or companies, or other person or persons so applying as aforesaid shall contract to transfer or pay, and shall, at the time to be mentioned in such certificate of contract, accordingly transfer at the Bank of England, or pay to the receiver general in England or his deputy, or collector in Scotland, of the county, riding, shire, stewartry, city, borough, town, or place where the same shall be situate (as the case may require), so much three pounds per centum bank annuities, in addition to the amount of stock that shall have been already transferred, or so much money in addition to the amount of money already paid in respect of such land tax, as shall be necessary, according to the provisions of this Act, to redeem so much land tax as shall be equal in amount to the difference between the land tax contracted for in and by such new contract and the land tax contracted for in and by the contract which shall have been so rescinded: Provided also, that in every such case where the land tax contracted for as aforesaid shall have been in the meantime decreased in amount, which amount shall have been duly charged on any other manors, messuages, lands, tenements, or hereditaments in the same parish or place, and a new contract shall be entered into for the redemption of the land tax then charged as aforesaid in pursuance of this Act, the commissioners who shall enter into such last-mentioned contract shall certify in writing signed by two or more of them to the commissioners for the affairs of taxes the several amounts of the stock or money contracted to be transferred or paid by and actually transferred or paid in pursuance of the original and new contracts respectively; and it shall thereupon be lawful for the said commissioners for the affairs of taxes to order and direct the governor and company of the Bank of England, or the receiver general in England or collector in Scotland for the county, riding, shire, stewartry, city, or place where such manors, messuages, lands, tenements, and hereditaments shall be situate respectively, in cases where more or a greater consideration shall have been transferred or paid on the original contract than the consideration inserted in the new certificate of contract, to repay all such monies to the bodies politic or corporate, or companies, or other person or persons who shall be entitled to the same, as shall be due and payable in respect of such difference in the considerations, if such monies shall not have been vested in stock; and in cases where such stock hath been purchased and placed in the name of or transferred to the commis-

No such lands shall be exonerated where the land tax has been increased, unless the parties shall contract to transfer so much additional stock or pay such additional sums as shall be necessary; and where the land tax has been decreased, and a new contract shall be entered into, the commissioners shall certify the amount of the stock transferred or money paid to the commissioners for taxes, who shall order the difference to be settled.

coparceners, or heirs portioners, tenants in common, or joint tenants, of or to any manors, messuages, lands, tenements, or hereditaments, shall redeem his, her, or their proportion of the land tax charged thereon, and partition shall at any time afterwards be made of the said manors, messuages, lands, tenements, or hereditaments between such coparceners, or heirs portioners, tenants in common, or joint tenants, then and in such case the manors, messuages, lands, tenements, or hereditaments which shall upon such partition be allotted to the person or persons who shall so have redeemed his, her, or their proportion of the said land tax shall, immediately upon such partition being completed, be and become exonerated and discharged from such land tax and every part thereof.

redeem their land tax, and partition shall thereafter be made, their allotments shall be immediately exonerated from land tax.

XL. AND be it further enacted, that in all cases where in any contract which shall have been entered into by virtue of the said recited Acts for the redemption of land tax or any of them an option shall have been declared to consider the bodies politic or corporate, or companies, or other person or persons contracting for such land tax, on the same footing as a person not interested in the manors, messuages, lands, tenements, or hereditaments comprised in such contract, by reason whereof the said manors, messuages, lands, tenements, or hereditaments shall remain chargeable with the land tax, and such bodies politic or corporate, or companies, or other person or persons, or their respective successors, heirs, executors, administrators, or assigns, shall be desirous of exonerating such manors, messuages, lands, tenements, or hereditaments from land tax, it shall be lawful for them respectively, at any time hereafter, to make application for that purpose to the commissioners acting in the execution of this Act as aforesaid for the county, riding, shire, stewartry, city, town, or place where such manors, messuages, lands, tenements, or hereditaments shall be situate; and on any such application, and on the production of a certificate under the hands and seals of any two of the commissioners of land tax acting for the division or place wherein the same shall be situate of the amount of the land tax then charged on such manors, messuages, lands, tenements, or hereditaments, and of the certificate of the contract for the redemption of such land tax, to the said commissioners acting in the execution of this Act as aforesaid, it shall be lawful for them or any two or more of them to contract with such bodies politic or corporate, or companies, or other person or persons, their respective successors, heirs, executors, administrators, or assigns, for exonerating their said manors, messuages, lands, tenements, or hereditaments from land tax; and in every such case where it shall appear by such certificate and contract that no variation has taken place in the meantime in the amount of such land tax, to amend or cause to be amended the certificate of any such contract, by striking out all such parts thereof as relate to the declaration of such option therein, and to certify their having so done under their respective hands and seals on the back of such certificate, and after the registry of such certificate and such indorsement thereon in the manner herein directed (whether such certificate shall have been previously registered or not), the manors, messuages, lands, tenements, and hereditaments comprised therein shall be wholly exonerated from land tax from such of the quarterly days of collection and payment of land tax as shall next precede the day whereon such certificate of contract shall be left at the proper office for the purpose of being registered as last mentioned; and whenever it shall appear in any such case, by the certificate of the amount of land tax, and the certificate of the contract for redemption thereof

Where under recited Acts an option shall have been declared by persons, &c. contracting for redemption to be considered on the footing of persons not interested in the lands, by reason whereof such lands shall remain chargeable with land tax, the commissioners for executing this Act may contract with such persons for the redemption of the tax.

Method of proceeding where the tax has not varied in amount.

shall be necessary for the purpose of applying such other property in the purchase of any manors, messuages, lands, tenements, or hereditaments, according to the terms of the trust affecting the same, whether such trust shall have been created or directed by any Act of Parliament, deed, will, or otherwise; and when any such trust property shall be under the direction or control of any court the same shall be so applied under the order of such court.

Land tax so redeemed with trust property shall merge in the lands.

XLIII. PROVIDED always, and be it further enacted, that where any land tax charged upon any manors, messuages, lands, tenements, or hereditaments belonging to any such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons, shall be redeemed by the application of any such personal trust property as aforesaid in pursuance of this Act, such land tax shall sink and become merged in the same manors, messuages, lands, tenements, or hereditaments, for the benefit of the bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons respectively entitled thereto: Provided also, that in case any such personal trust property which shall be so applied shall be insufficient for the redemption of the whole land tax charged upon such manors, messuages, lands, tenements, or hereditaments, it shall be lawful for such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons respectively, to use and exercise all and every other the powers given to or vested in them respectively in and by this Act, in order to raise money for the redemption of so much of the land tax charged on such manors, messuages, lands, tenements, or hereditaments as such personal trust property shall be insufficient to redeem.

Where such trust property shall be insufficient to redeem the whole tax, the other powers given by this Act may be exercised to raise money to supply the deficiency.

Governors of Queen Anne's bounty may lay out money in redeeming land tax on livings and in purchasing rentcharges granted by incumbents.

XLIV. AND be it further enacted, that it shall be lawful for the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy from time to time to apply any sum or sums of money or other funds, which under or by virtue of any laws now in force or of the charter granted in the reign of Queen Anne now is or are or hereafter shall be applicable towards the augmentation of any living or livings within the meaning of such laws or charter respectively, in and for the redemption of the land tax charged or hereafter to be charged upon the lands, tithes, or other profits arising from any such living or livings which at any time before or on or after the twenty-fourth day of June one thousand eight hundred and two shall have been or shall be contracted for by the incumbent or incumbents of such living or livings (with the consent of the said governors), or which may be contracted for by the said governors in pursuance of this Act; and the transfer or payment of the consideration for such redemption by the said governors, or by their order or direction, shall, from the quarter day next preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings from such land tax, which shall from thenceforth sink and be extinguished for the benefit of such living or livings; and it shall also be lawful for the said governors from time to time to apply any such sum or sums of money or other funds as aforesaid in, for, and towards the purchasing any rentcharge or rentcharges which shall have been or shall be granted under the authority of any of the said recited Acts or of this Act, by any incumbent or incumbents of any living or livings which the said governors have already agreed or shall hereafter agree to augment;

and every such rentcharge when so purchased shall be surrendered to the incumbent for the time being of the living upon which the same shall have been charged, to the intent that the same may sink and be extinguished for the benefit of such living or livings.

Trustees of property for benefit of the poor clergy may lay out trust money in redeeming land tax on lands, &c. belonging to livings.

XLV. AND be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy in England (with such consent as is required by such will) to apply from time to time any sum or sums of money or other funds which by virtue of such will now is or are or hereafter shall be applicable for the purpose aforesaid, in, for, or towards the redemption of any land tax charged or to be charged upon the lands, tithes, or other profits arising from any living or livings belonging to the Church of England which at any time before or on or after the said twenty-fourth day of June one thousand eight hundred and two shall have been or shall be contracted for by the incumbent or incumbents of such living or livings with the consent of the said trustees or of such other persons whose consent is required by such will, or which may be contracted for by the said trustees in pursuance of this Act; and the transfer or payment of the consideration for such redemption by the said trustees or by their order or direction shall, from the quarter day next preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings from such land tax, which shall from thenceforth sink and be extinguished for the benefit of such living or livings; and every such redemption of land tax by virtue of this Act for the benefit of such living or livings shall be deemed valid and effectual in the law, and equivalent, to all intents, constructions, and purposes, to a purchase or purchases of lands or tithes for that purpose under the trusts of such will, any statutes of mortmain or other statute or law to the contrary notwithstanding.

The land tax on lands settled for the benefit of any place may be redeemed out of the rates, with the approbation of two justices.

XLVI. AND be it further enacted, that where any lands, tenements, or hereditaments have been or shall be settled to charitable uses for the benefit of any parish or place, it shall be lawful to apply such sum or sums of money as shall be necessary for the redemption of the land tax charged thereon out of any rate made or to be made on such parish or place for the relief of the poor, in case the rents and profits of such lands shall be applicable for the benefit of the poor, and out of any church rate, in case the rents and profits shall be applicable to the repairs of any church or chapel, or otherwise out of such parish rate as the circumstance of the particular case shall require: Provided always, that no such rate shall be so applied without approbation of two justices of the peace of the county, riding, division, or place, certified in writing to the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, upon proof before such justices on oath or affirmation of notice having been given during divine service, on two Sundays at the least, in the church or chapel belonging to such parish or place, or where there shall be no church or chapel then in the church or chapel of some parish adjoining thereto, of an intention to make such application, and of the time and place of applying for the approbation of such justices.

Trust property for the benefit of any place may be applied

XLVII. AND be it further enacted, that where, under any Act of Parliament or any deed or will, or under any decree of any court, any trust property shall be applicable to any charitable purposes for the benefit of any

in the redemption of the land tax on lands settled for the benefit of such place, which shall be charged with an annuity equal to the trust property so applied.

parish or place, it shall and may be lawful to apply such trust property, or any part thereof, in the redemption of the land tax charged upon any manors, messuages, lands, tenements, or hereditaments settled to charitable uses for the benefit of such parish or place, and by deed under the hands and seals of the parson, vicar, or curate, and of the churchwardens and overseers of such parish or place, or of the major part of them, inrolled in such manner as is herein directed with respect to deeds executed by trustees and other persons for the sale of lands for redeeming the land tax, to charge such manors, messuages, lands, tenements, or hereditaments, or a sufficient part thereof, with the payment of an annuity or rentcharge equal to the amount of the income of the trust property which shall have been applied in the redemption of such land tax: Provided always, that no such trust property shall be so applied or annuity charged without the approbation of such justices, certified in such manner and with such proof of notice as is hereby directed in case of the application of the poors rates or church rates for the redemption of land tax.

Such application and charge of annuity to be with the approbation of the justices.

Donations to charitable institutions may be applied in redemption of land tax.

XLVIII. AND be it further enacted, that it shall be lawful for the governors and directors of hospitals and other charitable institutions to apply any legacies or voluntary donations bequeathed or given to or for the benefit of such hospitals and charitable institutions, and which shall not have been directed by the person or persons bequeathing or giving the same to be applied in any particular manner, for or towards the redemption of the land tax charged upon any manors, messuages, lands, tenements, and hereditaments belonging to such hospitals or charitable institutions.

Canal companies, &c. may redeem their land tax by calls or mortgage, or any other means of raising money authorized by any Act.

XLIX. AND be it further enacted, that it shall be lawful for any company or companies of proprietors of canals or other navigations or works of public utility, hereby empowered to contract for the redemption of the land tax charged on the tolls and other profits arising therefrom, as well as on the messuages, lands, tenements, and hereditaments belonging thereto, to raise such sum or sums of money as shall be necessary for the redemption of such land tax, either by calls on the respective proprietors or by mortgage, or by all and every or any of the ways and means whereby they are or shall be authorized or empowered by any Act or Acts now in being, or that shall hereafter be passed, to raise money for any of the purposes in such Acts respectively mentioned.

Money may be given by will or otherwise for redeeming the land tax on lands settled to charitable uses.

L. AND be it further enacted, that it shall be lawful for any person or persons, by will or otherwise, or any bodies politic or corporate or companies to give any sum or sums of money for the purpose of applying the same in the redemption of the land tax charged on any manors, messuages, lands, tenements, or hereditaments settled to any charitable uses, which sum or sums may and shall be so applied accordingly; any statute of mortmain or other statute or law to the contrary notwithstanding.

For the purpose of redeeming the land tax on lands belonging to persons other than corporations, or trustees for charitable, &c. purposes, persons

LI. AND be it further enacted, that for the purpose of redeeming any land tax charged on any manors, messuages, lands, tenements, or hereditaments belonging to any person or persons (not being respectively bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes), whether such manors, messuages, lands, tenements, or hereditaments shall be respectively situate in the same or in any other division or place in the same county, riding, shire, or stewartry, or in any other county, riding,

shire, or stewartry, and whether such land tax shall have been or shall be contracted for either before or on the said twenty-fourth day of June one thousand eight hundred and two by virtue of the said recited Acts or any of them, or at any time thereafter by virtue of this Act, it shall be lawful for all and every such person and persons who are, is, or shall for the time being be seised or possessed or entitled beneficially in possession to the rents and profits of, but who shall not have the absolute estate or interest in any manors, messuages, lands, tenements, or hereditaments, or any heriots, services, emoluments, or advantages issuing or payable from or in respect of any freehold or copyhold or customary messuages, lands, tenements, or hereditaments, or incident thereto or accruing therefrom (other than and except tenants at rack rent for any terms of years or from year to year or at will, and tenants holding under the crown any lands or tenements within the survey and receipt of the Exchequer or the duchy of Lancaster, or under the Duke of Cornwall any lands or tenements belonging to and parcel of the duchy of Cornwall), but nevertheless under the restrictions and regulations herein-after mentioned, absolutely to sell and dispose of, by public sale or private contract, and, by deed indented and inrolled or registered in the manner prescribed by this Act, to convey (either at one time for the purpose of making good the whole of the consideration for the redemption of any such land tax, or at various times for the purpose of making good the respective instalments thereof, as the same shall respectively become due, or any number of instalments at once, as shall be most expedient) any such manors, messuages, lands, tenements, or hereditaments, or any such heriots, services, emoluments, or advantages, whereof such person or persons shall be in the actual possession or entitled beneficially to the rents and profits, as shall be eligible and necessary, whether of freehold or of copyhold or customary tenure, or holden for any term or terms of years (other than for any term or terms of years at a rack rent), and whether the manors, messuages, lands, tenements, or hereditaments, heriots, services, emoluments, or advantages so sold shall be charged or not charged with or shall be exempt from the payment of land tax, and if the same shall be charged with any land tax then freed and discharged from such land tax; and it shall also be lawful for all and every such persons and person who are or is or shall for the time being be in the actual receipt or perception of and beneficially entitled to the rents and services reserved or due and payable in respect and out of any manors, messuages, lands, tenements, or hereditaments which shall have been or shall be granted by him, her, or them, or any former owner or owners thereof, for any beneficial lease or leases, or by any copy or copies of court roll, or demised, according to the custom of any manor, for life or lives, or years absolute, or years determinable on any life or lives, absolutely to sell and dispose of, by public sale or private contract, and in like manner to convey (either at one time or at various times as aforesaid) the fee simple and inheritance of any such manors, messuages, lands, tenements, or hereditaments which shall have been or shall be so granted or demised for any beneficial lease or leases, or by any copy or copies of court roll, or by any other grant, according to the custom of any manor, for life or lives, or years absolute, or years determinable upon any life or lives, and also the rents and services and other profits reserved or payable upon or in respect of such leasehold or copyhold tenements or hereditaments, subject to

in possession, though not having the absolute estate, &c. (except tenants at rack rent, &c.) may sell part of lands, heriots, &c. and also rents reserved out of lands granted for beneficial leases, or by copies of court roll, &c., or may mortgage the lands, or grant any rent-charge not exceeding the amount of the land tax redeemed.

the subsisting interests of the respective lessees, copyholders, or other customary tenants, whether such last-mentioned manors, messuages, lands, tenements, or hereditaments shall be charged or not charged with or shall be exempt from the payment of land tax, or whether the land tax charged thereon shall have been redeemed by the respective lessees or copyholders or customary tenants thereof, or not, and if the same shall be charged with any tax then freed and discharged from such land tax; and it shall be lawful for all and every such persons and person, by deed indented and also inrolled or registered as herein is directed, and under the restrictions and regulations herein-after mentioned, to convey or demise any of such freehold, copyhold, or leasehold manors, messuages, lands, tenements, or hereditaments whereof they shall be in the actual possession or beneficially entitled to the rents and profits as aforesaid, freed and discharged from land tax, in case any land tax shall be charged thereon, to any person or persons by way of mortgage, either in fee simple or for any term or terms of years (where the same shall not be of copyhold or customary tenure), for securing such sum or sums of money as shall be sufficient to redeem the land tax which hath been or shall be so contracted for by such person or persons as aforesaid, or to grant any rent-charge to be issuing out of and chargeable upon any such manors, messuages, lands, tenements, or hereditaments as aforesaid, not exceeding the amount of the land tax so contracted for as aforesaid: Provided always, that no sale, mortgage, or grant of or out of any manors, messuages, lands, tenements, or hereditaments shall be made by any such person or persons by virtue of this Act, other than for the purpose of redeeming land tax charged thereon (in cases where the same shall be charged with any land tax) and also on other manors, messuages, lands, tenements, or hereditaments which stand limited or settled and subject to or for the same uses, trusts, intents, or purposes, or in the same order or course of limitation, as the manors, messuages, lands, tenements, or hereditaments which shall be so sold, mortgaged, or charged as aforesaid, save and except as to such variations as may necessarily be occasioned by the difference in the nature of the tenure of freehold and copyhold estates.

No sale, &c. of lands shall be made under this Act except for redeeming the land tax thereon and on other lands settled to the same uses.

Persons seised in fee tail of lands may by deed enrolled convey such parts thereof as may be necessary for redeeming the land tax thereon.

LII. AND be it further enacted, that it shall be lawful for any person who shall be seised in fee tail of any manors, messuages, lands, tenements, or hereditaments in England to convey such part or parts thereof as shall be deemed eligible and necessary to be sold for the purpose of redeeming the land tax charged on such manors, messuages, lands, tenements, or hereditaments, by deed indented and inrolled or registered in the manner prescribed by this Act; and every such deed so inrolled or registered as aforesaid shall as effectually and absolutely bar all estates tail and other estates in possession, reversion, remainder, or expectancy in the hereditaments so conveyed, as if such tenant in tail had levied a fine or suffered a common recovery thereof in due form of law.

Committees, guardians, &c. may sell, &c. lands belonging to incapacitated persons, for redeeming the land tax.

LIII. PROVIDED always, and be it further enacted, that for the purposes aforesaid it shall be lawful for all committees and curators of lunatics or idiots, and guardians or tutors of infants, and all executors and administrators, curators or trustees whatsoever, seised or possessed of any manors, messuages, lands, tenements, or hereditaments in trust and having authority to act for infants, minors, issue unborn, femes covert, or other persons incapable by law or deed to act for themselves, on the behalf of such incapacitated persons

respectively, and under the restrictions and regulations herein contained, to sell or mortgage and convey or grant any rentcharge out of any manors, messuages, lands, tenements, or hereditaments belonging to or limited or settled to the use or for the benefit of any such lunatics or idiots, infants, minors, issue unborn, femes covert, or other incapacitated persons, which such lunatics or idiots, infants, or minors, issue unborn (if in esse), femes covert, or other incapacitated persons could or might have sold, mortgaged, or charged with any rentcharge for the purpose of redeeming any land tax in respect of their estate or interest therein, either by virtue of this Act or otherwise, if they respectively had not been under any such incapacity as aforesaid, and in the same manner in all respects as they respectively could or might have sold or mortgaged and conveyed or charged the same.

Sales, mortgages, or grants in relation to estates in England (except by corporations, &c.) shall be made under the authority of the commissioners acting for the place in which the lands shall be situate, two of whom shall join in the deed.

LIV. AND be it further enacted, that all sales, mortgages, or grants in relation to estates in England which shall be made by virtue of this Act by any person or persons (other than bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, and other than such person or persons holding under any grant from the crown or any Act of Parliament as herein-after mentioned) shall be made under the authority and with the consent and approbation of the commissioners for the time being acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual for the county, riding, or place in which the manors, messuages, lands, tenements, or hereditaments which shall be so sold, mortgaged, or charged shall be situate; and no such sale, mortgage, or grant shall be valid or effectual unless two at least of such commissioners shall certify their consent thereto and approbation thereof by signing and sealing the deed of sale, mortgage, or grant as parties thereto.

No lands shall be sold, &c. under such authority, unless a month's previous notice be given to the commissioners, and a schedule be produced containing certain particulars.

LV. PROVIDED always, and be it further enacted, that no manors, messuages, lands, tenements, or hereditaments in England shall be so sold or mortgaged nor any rentcharge granted thereout by virtue of this Act by any person or persons under the authority of the said last-mentioned commissioners, without one calendar month's previous notice in writing given to the said commissioners by the person or persons desirous of making such sale, mortgage, or grant, nor unless such person or persons shall, previously to such sale, mortgage, or grant, produce to the said commissioners a schedule in writing, declaring the quantity or duration of his, her, or their estate or interest in the manors, messuages, lands, tenements, or hereditaments whereon the land tax proposed to be redeemed shall be charged, and (if the same shall not be an estate of inheritance) then the name or names of the bodies politic or corporate, or companies, or other person or persons next entitled to any beneficial interest in such manors, messuages, lands, tenements, or hereditaments, expectant on the determination of the immediate estate or interest therein; and if such manors, messuages, lands, tenements, or hereditaments shall be subject to any mortgage, charge, lien, or incumbrance, then the name or names of the bodies politic or corporate, or companies, or other person or persons having such mortgage, charge, lien, or incumbrance, and the amount thereof, and (if more than one) the priorities of the respective incumbrances.

Where lands are situate in different counties, certificates

LVI. PROVIDED also, and be it further enacted, that if any manors, messuages, lands, tenements, or hereditaments, which shall be sold at various times, shall be situate in different counties, then and in such case the person or persons

of former sales shall be produced to the commissioners for the county where the subsequent sales are to be made, who may examine the parties on oath respecting such former sales.

who shall be desirous of making any such sale shall, in case any manors, messuages, lands, tenements, or hereditaments situate in any other county shall have been sold for the purpose of making good any prior instalment, produce and show to the said last-mentioned commissioners a certificate under the hands and seals of the commissioners for such other county or counties of the former sale or sales, which certificate shall contain a statement and account of the manors, messuages, lands, tenements, and hereditaments which shall have been so sold, and also the amount of the purchase money for the same; and the said commissioners for such other county or counties are hereby authorized and required to grant such certificate to the person or persons applying for the same; and such commissioners, under whose authority such subsequent sale is proposed to be made, are hereby authorized and empowered to examine upon oath or affirmation in the manner directed by this Act the person or persons who shall be desirous of making such sale as last-mentioned touching any matters or things relating to any former sales which such commissioners may think necessary for their information, and to receive any affidavit or deposition in writing in the manner herein prescribed.

Tenants for lives or years under demises for which fines were paid not enabled to sell without the consent of the persons entitled in reversion.

LVII. PROVIDED also, and be it further enacted, that nothing herein contained shall be construed to extend to enable any tenant for lives, or for years determinable on lives, or for years absolute, though not at rackrent, to sell any part of the tenement demised, in case of a demise for which any fine or premium was paid, without the consent of the bodies politic or corporate, or companies, or other person or persons entitled to the immediate estate in reversion upon such demise.

Where trusts, &c. equally affect divers lands, part whereof shall be proposed to be sold for redeeming the land tax on the whole, the Court of Chancery in England and of Session in Scotland may order such part to be conveyed to the purchaser discharged from such trusts, &c.

LVIII. AND be it further enacted, that where any trusts, mortgages, charges, liens, or incumbrances shall equally affect or be a charge upon divers manors, messuages, lands, tenements, or other hereditaments, part whereof shall be proposed to be sold for the purpose of redeeming the land tax chargeable on the manors, messuages, lands, tenements, or hereditaments so equally subject and liable to such trusts, mortgages, liens, or incumbrances, then and in such case it shall be lawful for the Court of Chancery in England, and the Court of Session in Scotland, if such courts respectively shall be satisfied that such of the said manors, messuages, lands, tenements, or hereditaments as shall not be proposed to be sold for the purposes aforesaid shall be a sufficient security for the object of such trusts or for the payment of such mortgages, liens, or other incumbrances, to order and direct that such of the said manors, messuages, lands, tenements, or hereditaments as shall be sold for the purposes aforesaid shall be conveyed to the purchaser or purchasers thereof freed and discharged from such trusts, mortgages, liens, and other incumbrances as aforesaid; and such purchaser or purchasers shall, after the inrolment or registry of the conveyance or conveyances made under such order or direction as herein is prescribed, hold and enjoy the said manors, messuages, lands, tenements, or hereditaments purchased by him, her, or them, freed and absolutely discharged therefrom: Provided always, that nothing in this Act or in any such order or direction as aforesaid contained shall extend or be construed to extend to discharge the manors, messuages, lands, tenements, or hereditaments which shall be sold for the purposes aforesaid from any trusts, mortgages, liens, or incumbrances which shall not equally affect or be a charge upon the whole of the manors, messuages, lands, tenements, or hereditaments, the land tax of

which shall be redeemed by the monies arising from the sale of a part thereof; but all such last-mentioned trusts, mortgages, liens, and other incumbrances shall remain and continue chargeable upon the manors and other hereditaments which shall be sold in the same manner as if this Act had not been passed; and the monies to arise from such sales and the surplus thereof (if any) shall under the directions of the said courts respectively be applied in the same manner as herein is directed in other cases of sales of estates for the purpose of redeeming land tax.

When such sale shall be by auction, the commissioners shall cause ten days previous notice to be given, and when by private contract they shall not certify their consent without having an estimate of the value.

LIX. AND be it further enacted, that wherever any such sale as aforesaid shall be by public auction, the commissioners under whose authority the same shall be made shall cause ten day previous notice at the least of such intended sale to be published in some newspaper usually circulated in the county, riding, stewartry, or place wherein such manors, messuages, lands, tenements, or hereditaments shall be situate; and wherever any such sale shall be by private contract, such commissioners shall not certify their consent thereto or approbation thereof without having an estimate in writing, verified upon oath or solemn affirmation (which any one of them is hereby empowered to administer), of the value of such part of the estate as shall be proposed to be sold, nor without being satisfied that the sale thereof will not materially injure the residue of the estate, and that the part proposed to be sold is proper under all circumstances to be sold for the purposes of this Act.

Persons (not being corporations, &c.) seised of manors in England, with the approbation of the Court of Chancery, may enfranchise copyhold or customary estates.

LX. AND be it further enacted, that it shall be lawful for any person or persons (not being respectively bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, and not holding under any grant from the crown or any Act of Parliament as herein-after is mentioned) who are or shall be seised of or beneficially entitled to any manors in England of which any copyhold or customary estates shall be holden, with the approbation of the Court of Chancery, to be signified by order upon a petition to be preferred in a summary way, to enfranchise any such copyhold or customary estates.

Heirs of entail in possession in Scotland, their tutors, &c. shall apply to the Court of Session in cases of intended sales for purchasing the land tax, and the court, after advertisement, shall proceed summarily to authorize such sales, and the extract of their decree shall authorize the commissioners to sell.

LXI. AND be it further enacted, that where any heir of entail in possession of an entailed estate in Scotland, or his or her tutor or tutors, or where he or she is an idiot or lunatic, his or her curator or curators, mean to sell part of the said estate to purchase the land tax of the estate in terms of this Act, it shall be competent and requisite for him, her, or them to apply by petition to the Court of Session, stating the amount of the land tax payable out of the said estate, what part of the estate it is proposed to sell, and the rent or annual value of that part of the estate, and praying the court, upon the allegations on these points being proved to the satisfaction of the court, and it being shown that the sale of the part of the estate proposed to be sold will not materially injure the residue of the estate remaining unsold, and that the part so proposed to be sold is proper (considering all circumstances) to be sold for the purpose aforesaid, to authorize such sale to proceed in manner herein-after enacted; and the judges of the said court are hereby authorized and required to order such petitions to be intimated upon the walls of the outer and inner house of the said court, in common form, for ten sederunt days, and also to be advertised weekly for two weeks successively in the Edinburgh Gazette, which intimation and advertisement shall be a valid and effectual intimation, advertisement, and service, to all intents and purposes, as much as if the said

petitions had been personally intimated to or served upon all persons having or pretending to have any interest with regard to the said estate, as substitute heirs of entail, creditors on the said estate, or in any other way or character whatever; and such intimation being duly made, the court shall proceed summarily in the matter, and shall authorize the sale of that part of the estate which the petitioner or petitioners are willing to sell, which the court thinks ought to be sold for the purpose above mentioned, and against the sale of which no sufficient reason is stated by any person having interest; and the extract of the decree of the court authorizing the sale shall be sufficient authority to the commissioners acting under this Act to carry on the sale in the manner herein directed.

When such heirs in Scotland desire to borrow money for purchasing the land tax and to grant heritable security for the same, the like application shall be made to and proceedings had by the Court of Session.

LXII. AND be it further enacted, that where any heir of entail in possession of an entailed estate in Scotland, or his or her tutor or tutors, or where he or she is an idiot or lunatic, his or her curator or curators, mean to burthen the said estate with a sum of money to be borrowed to enable him, her, or them to purchase the land tax of the said estate, it shall be competent and necessary for him, her, or them to apply by petition to the Court of Session, stating the amount of the land tax payable out of the estate, the sum proposed to be borrowed, and whether it is proposed to grant the heritable security over the whole or part of the estate, and if over part of the estate, what part, and praying the court to authorize him, her, or them to borrow such sum as the court shall think proper for the purposes of this Act, and to grant heritable security in common form for that sum over the whole estate or part thereof, as the case may be; and the judges of the said court are hereby authorized and required to order such petitions to be intimated and advertized in the same manner as petitions praying for authority under this Act to sell part of entailed estates are by this Act ordered to be intimated and advertised, and the effect of such intimation and advertisement shall be the same in both cases; and such intimation and advertisements being duly made, the court shall proceed summarily in the matter, and shall authorize the petitioner or petitioners to grant heritable security over the whole of the entailed estate or part thereof, provided no sufficient reason is stated to the contrary by any person having interest.

The whole of a farm, &c. which cannot be eligibly divided may be sold to redeem the land tax thereon and on other estates limited to the same uses, and the surplus sale monies shall be disposed of under the direction of the Court of Session.

LXIII. AND be it further enacted, that if any farm, lands, or tenements usually possessed together shall be proposed to be sold under the provisions of this Act, which shall be more than sufficient for that purpose, and it shall appear to the Court of Session, either from the detached situation of such farm, lands, or tenements, or from any other circumstances, that such farm, lands, or tenements cannot be divided, in order that an adequate part thereof may be sold, without loss to the parties interested, or that the sale of the whole of such farm, lands, or tenements would be more eligible and advantageous to the sa[illegible] entailed estate and to the successive substitute heirs of entail in their order, shall be competent and lawful for the said Court of Session, in like manner [illegible] it is authorized to proceed in other cases by this Act (due notice having bee[illegible] given to the next substitute heir of entail, being of lawful age and residen[illegible] within Great Britain, of such proposal to sell and dispose of such farm, land[illegible] or tenements), to direct and authorize the sale of the whole of such farm, lands[illegible] or tenements; and the surplus money, after purchasing stock sufficient to[illegible] redeem such land tax, and paying and discharging the costs and expense[illegible]

attending the sale thereof, shall, with the interests and annual produce thereof, be applied and disposed of under the direction and with the approbation of the said court in the same manner as herein is directed with respect to the eventual surplus arising from sales when no more has been exposed to sale than is judged adequate for the redemption of such land tax.

Expenses incurred in purchasing the land tax on such entailed estates may be defrayed out of the price of the land sold or charged upon the estate, after being ascertained by the Court of Session.

LXIV. PROVIDED always, and be it further enacted, that all expenses incurred by heirs of entail or others entitled as aforesaid to purchase the land tax affecting the entailed estate in Scotland, either in selling part of the said estate, or borrowing money on heritable security, or purchasing out of their own proper means the land tax affecting the entailed estate, shall be defrayed out of the price of the land so sold, or shall be included in the heritable or other proper security, and may be made part of the charge upon the entailed estate: Provided always, that the amount of these expenses shall be previously ascertained by the Court of Session, by decree to be obtained on a summary application to that purpose.

Such sales shall be by public auction, previous to which the Court shall cause articles to be drawn up, binding the purchaser to pay the price to a trustee, to be paid into the Bank of England, and upon payment the purchaser shall be entitled to a conveyance.

LXV. PROVIDED also, and be it further enacted, that where any such sale shall be authorized by the Court of Session, the same shall be carried on by public auction at such time and on such notices as the said court shall from time to time direct; and further that, previous to any sale to be made in the terms and by virtue of the powers required and given by this Act, the Court of Session shall cause articles of sale to be drawn up in the usual forms required by the law of Scotland for making such sale effectual, and whereby the purchaser shall be taken bound to pay the price to a trustee to be named by the person or persons in whose name or for whose behoof the said sale or sales is or are carried on, and which trustee shall be approved of by the said court, and shall find security to their satisfaction that the sum or sums of money so to be paid to him by the said purchaser or purchasers shall be duly and faithfully applied in the manner and for the purposes herein enjoined and directed; and further that the said trustee, upon receipt of the said price or prices, shall be forthwith bound to pay the said money into the Bank of England, to be there placed to the account of the commissioners for the reduction of the national debt, to be by them applied in the manner and for the purposes directed and specified by this Act; and the receipt of the cashier or cashiers of the bank shall be a full and sufficient discharge to the said trustee and to the said purchaser or purchasers for the sum or sums of money so agreed to be paid by him, her, or them in manner aforesaid; and which purchaser or purchasers, upon payment of the sum or sums by the said trustee into the Bank of England as aforesaid, shall be entitled to demand and obtain from the said heir of entail or other person or persons in whose name or at whose instance or for whose behoof the said sale or sales is or are carried on such disposition, conveyance, or other title to the subjects so sold, containing all usual and necessary clauses for rendering complete the right to the same in favour of the said purchaser or purchasers, under the direction of the said court.

Sales of and heritable securities granted on entailed estates in Scotland shall be as valid as

LXVI. AND be it further enacted, that where any part of an entailed estate in Scotland is sold for the purposes of this Act in the manner herein-before directed, and where any heritable security is granted upon an entailed estate, also in the manner herein-before directed, such sale and heritable security shall be as valid and effectual to all intents and purposes as if the estate part

petitions had been personally intimated to or served upon all persons having or pretending to have any interest with regard to the said estate, as substitute heirs of entail, creditors on the said estate, or in any other way or character whatever; and such intimation being duly made, the court shall proceed summarily in the matter, and shall authorize the sale of that part of the estate which the petitioner or petitioners are willing to sell, which the court thinks ought to be sold for the purpose above mentioned, and against the sale of which no sufficient reason is stated by any person having interest; and the extract of the decree of the court authorizing the sale shall be sufficient authority to the commissioners acting under this Act to carry on the sale in the manner herein directed.

When such heirs in Scotland desire to borrow money for purchasing the land tax and to grant heritable security for the same, the like application shall be made to and proceedings had by the Court of Session.

LXII. AND be it further enacted, that where any heir of entail in possession of an entailed estate in Scotland, or his or her tutor or tutors, or where he or she is an idiot or lunatic, his or her curator or curators, mean to burthen the said estate with a sum of money to be borrowed to enable him, her, or them to purchase the land tax of the said estate, it shall be competent and necessary for him, her, or them to apply by petition to the Court of Session, stating the amount of the land tax payable out of the estate, the sum proposed to be borrowed, and whether it is proposed to grant the heritable security over the whole or part of the estate, and if over part of the estate, what part, and praying the court to authorize him, her, or them to borrow such sum as the court shall think proper for the purposes of this Act, and to grant heritable security in common form for that sum over the whole estate or part thereof, as the case may be; and the judges of the said court are hereby authorized and required to order such petitions to be intimated and advertized in the same manner as petitions praying for authority under this Act to sell part of entailed estates are by this Act ordered to be intimated and advertised, and the effect of such intimation and advertisement shall be the same in both cases; and such intimation and advertisements being duly made, the court shall proceed summarily in the matter, and shall authorize the petitioner or petitioners to grant heritable security over the whole of the entailed estate or part thereof, provided no sufficient reason is stated to the contrary by any person having interest.

The whole of a farm, &c. which cannot be eligibly divided may be sold to redeem the land tax thereon and on other estates limited to the same uses, and the surplus sale monies shall be disposed of under the direction of the Court of Session.

LXIII. AND be it further enacted, that if any farm, lands, or tenements usually possessed together shall be proposed to be sold under the provisions of this Act, which shall be more than sufficient for that purpose, and it shall appear to the Court of Session, either from the detached situation of such farm, lands, or tenements, or from any other circumstances, that such farm, lands, or tenements cannot be divided, in order that an adequate part thereof may be sold, without loss to the parties interested, or that the sale of the whole of such farm, lands, or tenements would be more eligible and advantageous to the said entailed estate and to the successive substitute heirs of entail in their order, it shall be competent and lawful for the said Court of Session, in like manner as it is authorized to proceed in other cases by this Act (due notice having been given to the next substitute heir of entail, being of lawful age and resident within Great Britain, of such proposal to sell and dispose of such farm, lands, or tenements), to direct and authorize the sale of the whole of such farm, lands, or tenements; and the surplus money, after purchasing stock sufficient to redeem such land tax, and paying and discharging the costs and expenses

respective lessees or copyholders or customary tenants thereof, or other persons having interest therein, and if the same shall be charged with any land tax then freed and discharged from such land tax; and it shall also be lawful for all such bodies politic or corporate, and companies, and feoffees or trustees for charitable or other public purposes, for the purposes aforesaid, by deed indented and also inrolled or registered in the manner herein prescribed, to convey or demise any part or parts of such freehold or copyhold or customary or leasehold manors, messuages, lands, tenements, or hereditaments herein-before mentioned, and whereof they shall be so in the actual possession or beneficially entitled to the rents and profits as aforesaid, freed and discharged from land tax (in case any land tax shall be then charged thereon) to any person or persons by way of mortgage either in fee simple or for any term or terms of years (where the same shall not be of copyhold or customary tenure) for securing such sum or sums of money as shall be sufficient to redeem the land tax which hath been or shall be so contracted for by such bodies politic or corporate, or companies, as aforesaid, or to grant any rentcharge to be issuing out of and chargeable upon any such manors, messuages, lands, tenements, or hereditaments as aforesaid, not exceeding the amount of the land tax so contracted for as aforesaid: Provided always, that no sale, mortgage, or grant of or out of any manors, messuages, lands, tenements, or hereditaments shall be made by any such bodies politic or corporate, companies, or feoffees or trustees for charitable or other public purposes, by virtue of this Act, other than for the purpose of redeeming land tax charged thereon (in cases where the same shall be charged with any land tax) and also on any other manors, messuages, lands, tenements, or hereditaments which shall stand limited or subject to or for the same uses, trusts, intents, or purposes, or in the same order or course of limitation as the manors, messuages, lands, tenements, or hereditaments which shall be so sold, mortgaged, or charged as aforesaid, save and except as to such variations as may necessarily be occasioned by the difference in the nature of the tenure of freehold and copyhold estates.

No sale, &c. shall be made of lands, except for redeeming the land tax thereon and on other lands settled to the same uses.

LXX. AND be it further enacted, that for the purpose of redeeming any such land tax as aforesaid it shall be lawful for all such bodies politic and corporate, and companies, and feoffees or trustees for charitable or other public purposes, by deed indented and inrolled or registered as aforesaid, to enfranchise any messuages, lands, tenements, or hereditaments which are or shall be holden by copy of court roll or other customary tenure of any manor belonging to any such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, whether such manor be subject to any lease or not, and also to sell and dispose of any heriots or fee farm rents, chief rents or quit rents, or other emoluments or advantages issuing or payable from or in respect of any freehold or copyhold or customary manors, messuages, lands, tenements, or hereditaments, or incident thereto and accruing therefrom.

For the purpose of redeeming the land tax, corporations, &c. may enfranchise lands, and sell heriots, &c.

LXXI. AND be it further enacted, that where any person or persons holding under any grant from the crown or under any Act of Parliament any manors messuages, lands, tenements, or hereditaments wherein his Majesty, his heirs or successors, hath or shall have any estate, right, or interest, in remainder reversion, or expectancy, (other than persons holding under the crown an manors, messuages, lands, tenements, or hereditaments, within the surve

Lands held by grant from the crown or under any Act, wherein his Majesty hath any estate (except demised, &c. lands with-

of or to any messuages, lands, tenements, or hereditaments which shall have been sold by virtue of the said recited Acts for a consideration not exceeding one thousand pounds, and all copies of the entry upon the court rolls of any such surrenders, grants, or admittances, shall be valid and effectual in the law to all intents and purposes whatever, although no stamp duty shall have been paid for the same, ...

For the purpose of redeeming the land tax, corporations or trustees for charitable, &c. purposes may sell part of the lands charged, or may mortgage the same, or grant any rentcharge to the amount of the land tax to be redeemed.

LXIX. AND be it further enacted, that for the purpose of redeeming any land tax charged on any manors, messuages, lands, tenements, or hereditaments belonging to any bodies politic or corporate, or companies, or any feoffees or trustees for charitable or other public purposes, (whether such manors, messuages, lands, tenements, or hereditaments shall be respectively situate in the same or in any other division or place in the same county, riding, shire, or stewartry, or in any other county, riding, shire, or stewartry, and whether such land tax shall have been or shall be contracted for either before or on the said twenty-fourth day of June one thousand eight hundred and two by virtue of the said recited Acts or any of them, or at any time thereafter by virtue of this Act) it shall be lawful for all such bodies politic or corporate, and companies, and feoffees or trustees for charitable or other public purposes, (notwithstanding any private statutes, byelaws, ordinances, or regulations restraining them in that behalf,) but nevertheless under the restrictions and regulations herein-after mentioned, absolutely to sell and dispose of by public sale or private contract, and by deed indented and inrolled or registered in the manner prescribed by this Act to convey (either at one time, for the purpose of making good the whole of the consideration for the redemption of any such land tax, or at various times, for the purpose of making good the respective instalments thereof as the same shall respectively become due, or any number of instalments at once, as shall be most expedient,) any such manors, messuages, lands, tenements, or hereditaments whereof they shall be in the actual possession, or entitled beneficially to the rents or profits, as shall be eligible and necessary (whether of freehold or copyhold or customary tenure), or holden by them for any term or terms of years (other than for any term or terms of years at a rack rent), and whether the manors, messuages, lands, tenements, or hereditaments so sold shall be charged or not charged with or shall be exempt from the payment of land tax, and if the same shall be charged with any land tax, then freed and discharged from such land tax, or absolutely to sell and dispose of by public sale or private contract, and in like manner to convey, either at one time or at various times as aforesaid, the fee simple and inheritance of any manors, messuages, lands, tenements or hereditaments belonging to such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, which shall have been or shall be granted or demised for any beneficial lease or leases, or by any copy or copies of court roll, or by any other grant, according to the custom of any manor, for life or lives, or years absolute, or years determinable upon any life or lives, and also the rents and services and other profits reserved or payable upon or in respect of such leasehold or copyhold tenements or hereditaments (subject to the subsisting interests of the respective lessees, copyholders or other customary tenants), whether such last-mentioned manors, messuages, lands, tenements or hereditaments shall be charged or not charged with or shall be exempt from the payment of land tax, and although the land tax charged thereon may have been redeemed by the

respective lessees or copyholders or customary tenants thereof, or other persons having interest therein, and if the same shall be charged with any land tax then freed and discharged from such land tax; and it shall also be lawful for all such bodies politic or corporate, and companies, and feoffees or trustees for charitable or other public purposes, for the purposes aforesaid, by deed indented and also inrolled or registered in the manner herein prescribed, to convey or demise any part or parts of such freehold or copyhold or customary or leasehold manors, messuages, lands, tenements, or hereditaments herein-before mentioned, and whereof they shall be so in the actual possession or beneficially entitled to the rents and profits as aforesaid, freed and discharged from land tax (in case any land tax shall be then charged thereon) to any person or persons by way of mortgage either in fee simple or for any term or terms of years (where the same shall not be of copyhold or customary tenure) for securing such sum or sums of money as shall be sufficient to redeem the land tax which hath been or shall be so contracted for by such bodies politic or corporate, or companies, as aforesaid, or to grant any rentcharge to be issuing out of and chargeable upon any such manors, messuages, lands, tenements, or hereditaments as aforesaid, not exceeding the amount of the land tax so contracted for as aforesaid: Provided always, that no sale, mortgage, or grant of or out of any manors, messuages, lands, tenements, or hereditaments shall be made by any such bodies politic or corporate, companies, or feoffees or trustees for charitable or other public purposes, by virtue of this Act, other than for the purpose of redeeming land tax charged thereon (in cases where the same shall be charged with any land tax) and also on any other manors, messuages, lands, tenements, or hereditaments which shall stand limited or subject to or for the same uses, trusts, intents, or purposes, or in the same order or course of limitation as the manors, messuages, lands, tenements, or hereditaments which shall be so sold, mortgaged, or charged as aforesaid, save and except as to such variations as may necessarily be occasioned by the difference in the nature of the tenure of freehold and copyhold estates.

No sale, &c. shall be made of lands, except for redeeming the land tax thereon and on other lands settled to the same uses.

LXX. AND be it further enacted, that for the purpose of redeeming any such land tax as aforesaid it shall be lawful for all such bodies politic and corporate, and companies, and feoffees or trustees for charitable or other public purposes, by deed indented and inrolled or registered as aforesaid, to enfranchise any messuages, lands, tenements, or hereditaments which are or shall be holden by copy of court roll or other customary tenure of any manor belonging to any such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, whether such manor be subject to any lease or not, and also to sell and dispose of any heriots or fee farm rents, chief rents or quit rents, or other emoluments or advantages issuing or payable from or in respect of any freehold or copyhold or customary manors, messuages, lands, tenements, or hereditaments, or incident thereto and accruing therefrom.

For the purpose of redeeming the land tax, corporations, &c. may enfranchise lands, and sell heriots, &c.

LXXI. AND be it further enacted, that where any person or persons holding under any grant from the crown or under any Act of Parliament any manors, messuages, lands, tenements, or hereditaments wherein his Majesty, his heirs or successors, hath or shall have any estate, right, or interest, in remainder, reversion, or expectancy, (other than persons holding under the crown any manors, messuages, lands, tenements, or hereditaments, within the survey

Lands held by grant from the crown or under any Act, wherein his Majesty hath any estate (except demised, &c. lands with-

of lands sold by a bishop or other ecclesiastical corporation, nor advowsons, &c., though appendant to the lands sold.

belonging to any manors, messuages, lands, tenements, or hereditaments which shall be sold by any bishop or other ecclesiastical corporation aforesaid, for the purpose of redeeming any land tax, whether the same shall be opened or unopened, nor any right, title, or claim to open or work the same, nor any advowson or right of patronage or presentation to any living or ecclesiastical benefice, or right of nomination to any perpetual curacy shall pass by any conveyance of such manors, messuages, lands, tenements, or hereditaments, either by express or general words in such conveyance, although such advowson, right of patronage or presentation, or nomination may be appendant or appurtenant to such manors, messuages, lands, tenements, or hereditaments; and such mines or minerals, seams or veins of coal, metal, or other profits aforesaid, together with all proper and necessary powers for opening and working the same, and such advowsons, rights of patronage or presentation, or nomination shall be always absolutely excepted and reserved to such bishops or other ecclesiastical corporations aforesaid, as fully and effectually to all intents and purposes as if the same were in such conveyance expressly excepted and reserved.

No deed under authority of the last-mentioned commissioners shall be liable to stamp duty.

LXXXI. AND be it further enacted, that no deed or instrument whatever whereby any sale, enfranchisement, mortgage, or grant shall be made of or out of any manors, messuages, lands, tenements, or hereditaments under the authority of the said last-mentioned commissioners, by virtue of this Act, shall be liable to any stamp duty whatever.

Where any lands belonging to corporations, &c. shall be sold, which are subject to any charge, the said commissioners shall direct how the same shall be paid in future.

LXXXII. AND be it further enacted, that where any manors, messuages, lands, tenements, or other hereditaments of or belonging to any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, which shall be sold by virtue of this Act, shall be, either exclusively or in common with other manors, messuages, lands, tenements, or hereditaments, subject to or charged with any yearly sum or sums, stipend or stipends, or other profit or emolument, to or for the use of any rector, vicar, curate, or other person or persons, it shall be lawful for the said last-mentioned commissioners to direct how and in what manner and proportions, and out of what part or parts of the manors, messuages, lands, tenements, or hereditaments originally liable thereto, such sum or sums, stipend or stipends, or other profits or emoluments as aforesaid, or any specific part or parts thereof, shall respectively be paid or borne in future; and in every such case, and from thenceforth, the manors, messuages, lands, tenements, or other hereditaments, or such specific part or parts thereof by or out of which the same shall be so directed to be paid or borne, shall be exclusively subject thereto, and to such powers and remedies for the recovery thereof as the law has provided for the recovery of rent reserved on leases.

Where part of lands usually demised together by corporations, &c., upon which an ancient rent has been reserved shall be sold, the said commissioners shall settle how it shall be paid in future.

LXXXIII. AND be it further enacted, that where part only of divers manors, messuages, lands, tenements, or hereditaments which may have been usually demised together by any such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, by one lease, upon which an entire ancient and accustomed rent or rents hath or have been reserved or made payable, shall be sold for any of the purposes of this Act, it shall be lawful for the said last-mentioned commissioners to apportion such ancient rent or rents, and to settle and adjust the proportion thereof which shall from thenceforth be paid or payable in respect of such of the manors

and other hereditaments comprised in the said lease which shall not be sold for the purposes aforesaid, or to settle out of what part or parts of the manors, messuages, lands, tenements, or hereditaments liable thereto the whole of such rent or rents (if the nature of the reservation will not admit of apportionment) shall be reserved or paid in future; and in all leases which shall thereafter be granted of such last-mentioned manors and other hereditaments the sum or other article or thing which shall have been so settled and apportioned shall be the rent to be reserved thereon, any law to the contrary notwithstanding.

The commissioners shall adjust all questions between corporations, &c. and lessees of their manors with respect to enfranchisement of lands.

LXXXIV. AND be it further enacted, that where any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, shall enfranchise any copyhold or customary messuages, lands, tenements, or hereditaments which are or shall be holden of any manor belonging to them which shall be under lease, it shall be lawful for the said last-mentioned commissioners to settle and adjust all questions that may arise between any such bodies politic or corporate, and companies, and feoffees or trustees for charitable and other public purposes, enfranchising as last mentioned, and his or their lessee or lessees, or any cestuique trust of such lessee or lessees, touching or concerning any such enfranchisement, and to order and direct a recompence to be reserved out of the purchase money to such lessee or lessees, and such person or persons, if any, as shall or may be interested or entitled as cestuique trusts or otherwise under such lessee or lessees, for any loss or injury that may occur to him, her, or them by any such enfranchisement as aforesaid.

Where the reversion of lands holden under any corporation, &c., by lease or copy of court roll, &c., and subject to a will or settlement, shall be purchased by the persons beneficially entitled to the profits, but not having the absolute interest, who shall be bound to renew at their own charge, the interests under the lease as well as the reversion shall, under the direction of the said commissioners, be made chargeable with the money advanced and the interest, but if such persons be not so bound, the reversion only shall be chargeable, un-

LXXXV. AND be it further enacted, that where the reversion of any manors, messuages, lands, tenements, or other hereditaments holden under any body politic or corporate, or company, or any feoffees or trustees for charitable or other public purposes, by virtue of any lease for one or more life or lives, or for years absolute or determinable on the dropping of one or more life or lives, or by copy of court roll or customary tenure for life or lives, shall be purchased under the powers of this Act by or with the proper monies of the person or persons for the time being beneficially entitled to the rents and profits thereof, and where such lease or leases shall be subject to any will or settlement, so that such person or persons shall not, at the time of purchasing the said reversion thereof, be entitled to the absolute interest under such lease or leases, and such person or persons shall be bound by any covenant, engagement, or condition to renew the lease at the accustomed periods with his, her, or their own monies or with or out of the rents and profits of the estate, then and in every such case the immediate estates and interests under such subsisting lease or leases, as well as the reversion expectant thereon, shall, under the direction of the said last-mentioned commissioners, be charged with and made subject to the repayment of the principal money advanced for the purchase of such reversion, with lawful interest, to or for the benefit of the person or persons advancing the same, his, her, or their executors, administrators, or assigns; but if the person or persons so for the time being beneficially entitled to the rents and profits of the estates comprised in such subsisting lease or leases as aforesaid shall not be liable to any covenant, engagement, or condition to renew the lease at the accustomed periods with his or her own monies or with or out of the rents and profits of the estate, then and in such case the reversion only expectant on the subsisting lease or leases shall, under such

less the persons advancing the money shall be desirous of the subsisting lease being also made chargeable.

direction as aforesaid, be charged and made subject, for the benefit of such person or persons, with the payment of the principal money advanced for the purchase thereof, together with lawful interest, to accumulate from the time of such purchase till the expiration of the subsisting lease, after deducting out of such interest the annual rent (if any) which shall be payable during the lease and which shall have been purchased with the reversion, unless the person or persons advancing such money shall be desirous that the same, together with the interest, may be made a charge on the subsisting lease or leases, in which case the immediate estates and interests under the same, as well as the reversion expectant thereon, shall be charged and made subject to the payment of such principal money and interest, in like manner as if such person or persons had been bound to renew the lease; and subject to such charges so to be made respectively as aforesaid, the fee simple of such manors, messuages, lands, tenements, or other hereditaments shall be settled, under the like direction, for the benefit of the person or persons so purchasing the same, and of such other persons as would have been entitled under such will or settlement to the benefit of any renewed lease or leases for the time being, and so as to be enjoyed by them for such respective estates and interests as, considering the alteration of the tenure, shall appear to the said commissioners most correspondent with the intention of such will or settlement: Provided always, that where the immediate estates or interests under any such lease or leases shall be charged with and made subject to the payment of the principal money advanced for the purchase of the reversion, the persons successively entitled to the rents and profits of the manors, messuages, lands, tenements, and hereditaments comprised in the subsisting lease or leases respectively shall be made chargeable with the interest accruing during his or her estate therein, and that no greater arrear than for one year shall be recoverable against any person who shall become entitled in remainder for interest accrued during the estate or term of any person or persons entitled to any preceding estate or interest in the premises: Provided also, that it shall be lawful for the said commissioners to direct an application to be made to the Court of Chancery in a summary way for obtaining direction as to the mode of settling any such reversion, or the equity of redemption thereof, where the case shall appear to them to be attended with difficulty.

Subject to such charges the fee simple shall be settled to the uses of the will or settlement.

Where the immediate estates under any such lease shall be charged with the payment of the money advanced for the reversion, the persons entitled to the profits shall be chargeable with the interest accruing during their estate, but not for more than one year previously.

Application to the Court of Chancery in cases of difficulty.

Corporations, &c. by authority of the said commissioners may contract with their lessees, &c. who have redeemed their land tax for an assignment thereof, and may sell lands to raise money for that purpose; and if any money shall be in the Bank or any stock invested in the names of the commissioners for the reduction of the

LXXXVI. AND be it further enacted, that it shall be lawful for any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, by and under the direction and authority of the said last-mentioned commissioners, to contract and agree with their respective lessees and tenants holding under any demise, by copy of court roll or otherwise, who shall under the powers contained in the said recited Acts or any of them or of this Act have redeemed the land tax charged on the manors or other hereditaments comprised in such demises respectively, for an assignment to such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, of the land tax which shall have been so redeemed by their respective lessees or tenants; and for the purpose of completing the purchase of such assignment it shall be lawful to carry into execution all and every or any of the powers which under and by virtue of this Act are or shall be vested in them for raising money by sale of any manors or other hereditaments for the purpose of redeeming any land tax in the first instance:

Provided always, that if any monies shall be then remaining in the Bank of England, or any stock shall be then invested in the names of the commissioners for the reduction of the national debt, which shall have arisen from any sale or sales before made by any such body politic or corporate, or company, or feoffees or trustees for charitable or other public purposes contracting for the purchase of such assignment, and which shall not have been applied to the redemption of any land tax, it shall be lawful for the said commissioners under the great seal or any two or more of them to order and direct that the consideration agreed to be paid or transferred for such purchase shall be paid or transferred out of such monies or stock respectively, and the governor and company of the Bank of England and such commissioners for the reduction of the national debt respectively are hereby authorized and required upon a certificate of such order, signed by any two or more of the said commissioners under the great seal, to pay or transfer to the person or persons assigning such land tax the money or stock specified in such certificate; and the receipt or receipts of such person or persons shall be a sufficient discharge for such money or stock.

national debt produced by sales previously made by such corporations, &c. which shall not have been applied for redemption of land tax it may be applied for purchase of such assignment.

LXXXVII. AND be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments belonging to any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes shall be sold to raise money for the redemption of land tax, and it shall afterwards appear that the money arising from such sale or sales shall not be sufficient to redeem the whole of the land tax charged on the manors, messuages, lands, tenements, or hereditaments belonging to such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, and such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes shall be willing and desirous to pay into the bank such further sum or sums as may be necessary to make up the whole of the money requisite to redeem such land tax, then it shall be lawful for the cashier or cashiers of the Bank of England, and they are hereby required, to give a receipt or receipts for all such sum or sums as may be offered to be paid to them to make up such deficiencies, and to apply such monies for the purpose of completing such redemption.

Where the money arising from sale of lands belonging to any corporations, &c. shall be insufficient to redeem the whole of the land tax, the Bank may receive money to make up the deficiency.

LXXXVIII. AND be it further enacted, that where the land tax charged on any manors, messuages, lands, tenements, or hereditaments belonging to any bishop or other ecclesiastical corporation shall have been or shall be redeemed by such bishop or ecclesiastical corporation with any monies which shall have been or shall be raised for that purpose by virtue of any of the powers or provisions of the said recited Acts or of this Act, such land tax shall be considered as yearly rent payable to such bishop or other ecclesiastical corporation, his and their successors, over and above the reserved rent (if any) during the demise existing at the time of such sale, and shall be recovered and paid as such, and the land tax so redeemed shall in all future demises of such manors, messuages, lands, tenements, or hereditaments be added to the ancient and accustomed yearly rent reserved or made payable during the terms granted by such demises, and shall be reserved and made payable as such accustomed yearly rent during the terms to be granted as aforesaid, and shall be recovered and recoverable as such accustomed rent by the like remedies as such bishops or other ecclesiastical corporations may use for the recovery of the ancient and

Land tax redeemed by bishops, &c. shall be considered as an additional yearly rent on the present and future demises.

accustomed rent reserved upon such demises; and where such manors, messuages, lands, tenements, or hereditaments shall be demised to any underlessee who shall be bound by any covenant or agreement to pay the land tax charged thereon, then and in such case the amount of such land tax shall be considered as rent reserved or made payable on such last-mentioned demise, and the same powers shall be had, used, or enjoyed for the recovery thereof as for the recovery of such rent when in arrear.

Land tax redeemed by corporations, &c. on copyhold or customary lands held by lease shall be considered as rent reserved to such corporations, &c. thereout,

LXXXIX. AND be it further enacted, that where any land tax chargeable on any manors, messuages, lands, tenements, or hereditaments which are or shall be holden by copy of court roll or other customary tenure of any manor or manors belonging to any body politic or corporate, or company, or any feoffees or trustees for charitable or other public purposes as aforesaid, by virtue of any lease or leases, shall have been or shall be redeemed by any such body politic or corporate, or company, or feoffees or trustees for charitable or other public purposes, under the powers contained in any of the said recited Acts or this Act, the amount of the land tax so redeemed or purchased shall be considered as rent reserved to such body politic or corporate, or company, or such feoffees or trustees for charitable or other public purposes as aforesaid, out of such copyhold or customary manors, messuages, lands, tenements, or hereditaments, and be payable on the same days as such land tax was payable before the redemption thereof, and the same powers shall be had, used, and enjoyed for the recovery thereof as for the recovery of rent in arrear.

and shall be recoverable as rent.

The whole of lands usually occupied together may be sold by authority of the commissioners, with the consent of the persons first entitled in remainder, if of full age.

XC. AND be it further enacted, that if any farm, and lands, tenements, or hereditaments usually occupied together shall be proposed to be sold under the provisions of this Act, which shall be more than sufficient for the purpose of redeeming the land tax, and in case it shall appear to the satisfaction of the respective commissioners under whose authority such sale is to be made that such farm, and lands, tenements, or hereditaments cannot be divided in order that an adequate part thereof may be sold without loss to the parties interested, and (in cases of sales by any person or persons other than bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes) if the person or persons who shall be entitled to the first or next beneficial estate in remainder, reversion, or expectancy, being of full age, shall consent and agree to the sale of the whole of such farm, and lands, tenements, or hereditaments so proposed to be sold, on the terms and under the restrictions herein mentioned, it shall be lawful in such case for such respective commissioners to direct and authorize the sale of the whole of such farm, and lands, tenements, or hereditaments, in the manner directed by this Act.

Where persons redeem their land tax by any other means than by sale, mortgage, or grant, or are entitled to demand an assignment of any land tax, &c., they may raise money to reimburse themselves or

XCI. AND be it further enacted, that where any bodies politic or corporate, or companies, or any feoffees or trustees for charitable or other public purposes, or other person or persons shall have redeemed or shall redeem their, his, or her land tax, by or out of their, his, or her own personal estate, or by or out of any trust property applicable to such redemption by virtue of the said recited Acts or of this Act, or by any other means than by sale, mortgage, or grant made or to be made under the provisions of the said recited Acts or of this Act, and also where any such bodies politic or corporate, or companies or feoffees or trustees for charitable or other public purposes, or other person or persons shall be entitled, under any of the provisions of the said recited

Acts, to demand an assignment of any land tax upon the determination of any precedent estate (in cases of contracts already entered into by virtue of the said Acts wherein an option shall have been declared as therein is mentioned), or shall agree under the provisions of this Act with the executors or administrators of any person dying before the transfer or payment of all the instalments to be transferred or paid upon any contract entered into by him or her to take an assignment of such contract for the purpose of completing the same, it shall be lawful for all and every such bodies politic and corporate, and companies, and feoffees or trustees for charitable and other public purposes, and other person or persons, either for the purpose of reimbursing all stock (in cases where the original consideration for the redemption of any such land tax shall have been in stock) and for reimbursing all sums of money (in cases where the original consideration for such redemption shall have been in money) which shall respectively have been before transferred, laid out, or applied in the redemption of such land tax, or for the purpose of raising money to purchase any such assignment of land tax, or for the purpose of raising money as well to purchase the assignment of any contract not completed as to complete the instalments remaining due thereon as aforesaid, to carry into execution all and every or any of the powers by this Act given in order to raise money by sale, mortgage, or grant for the redemption of land tax, in such and the same manner, and under and subject to such and the same rules, restrictions, and regulations in all respects as such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons would have been authorized by this Act to carry into execution the same powers for the purpose of redeeming any land tax in the first instance; and where any such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons shall have redeemed or shall redeem any such land tax by and out of any monies which shall have arisen or been produced or shall arise and be produced by any mortgage or grant which shall have been or shall be made by virtue of the said recited Acts or of this Act, it shall also be lawful, for the purpose of paying off any sums borrowed on that account, to carry into execution all and every or any of the powers by this Act given in order to raise money by sale for the redemption of land tax, in such and the same manner, and under and subject to such and the same rules, restrictions, and regulations in all respects as such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons would have been authorized by this Act to carry into execution the same powers for the purpose of redeeming any land tax in the first instance.

to complete such assignment in the same way as they could have done for redeeming the land tax in the first instance;

and they may raise money in the same way to pay off money borrowed on mortgage or grant for redeeming the land tax.

XCII. AND be it further enacted, that where any deduction or allowance shall have been or shall be made or allowed out of any fee farm or other rents or annuities issuing or payable out of any manors, messuages, lands, tenements, or hereditaments, to or for the benefit of any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons, in respect of the land tax charged or which shall have been charged on such manors, messuages, lands, tenements, or hereditaments, it shall be lawful for such bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or

Where any allowance shall be made out of any fee farm or other rents in respect of the land tax, they may be sold subject to such allowance.

other person or persons to sell such fee farm or other rents or annuities for the purposes and according to the provisions and under the restrictions of this Act, subject to such deduction or allowance, and whether the land tax charged on the manors, messuages, lands, tenements, or hereditaments out of which the same shall be issuing or payable shall have been or shall be redeemed at the time of such sale or not, and although the purchase monies for the same shall, in the judgment of the respective commissioners authorizing and approving of or consenting to such sale, be sufficient to redeem so much land tax only as shall be equal to the amount of the clear fee farm or other rent or annuity, after making such deduction or allowance as aforesaid; and every such fee farm or other rent or annuity shall thenceforth be freed and exonerated from land tax and all future assessments thereof, and also from all deductions or allowances thereout in respect of land tax, other than and except such deduction or allowance as shall have been made or allowed at the time of such sale.

Two months notice of the intention to sell the fee simple of any lands held on lease or by copy of court roll shall be given to the persons beneficially interested therein under such lease, &c., or their guardians, &c. during which period they shall have the pre-emption, as shall one coparcener, &c. on the refusal of the others; and if the price offered shall not be accepted the lands shall not be sold at a reduced price till after two months further notice, unless the privilege of pre-emption be waived.

XCIII. AND be it further enacted, that where the fee simple and inheritance of any manors, messuages, lands, tenements, or hereditaments holden under any beneficial lease or leases or by copy of court roll as herein-before is mentioned shall be proposed to be sold by virtue of this Act, two calendar months notice of such intended sale shall be given by the body politic or corporate, or company, or other person or persons proposing to sell the same, to the person or persons for the time being beneficially interested therein under the subsisting lease or leases or copy or copies of court roll thereof, or to his, her, or their committee or committees in cases of lunacy, or guardian or guardians in cases of infancy, or in any other cases of incapacity to the trustee or trustees or other person or persons having authority to act for such person or persons incapable of acting for themselves, during which period of two months the person and persons so beneficially interested, or his, her, or their committee or committees, guardian or guardians, trustee or trustees, or other person or persons having authority to act for him, her, or them on his, her, or their behalf shall be entitled to contract for the purchase thereof, in preference to any other person or persons; and any one coparcener, or joint tenant, or tenant in common, beneficially interested as aforesaid, shall have the like privilege of pre-emption in respect of the whole of the estate comprised in any such lease or grant by copy of court roll, on the refusal of any other coparcener, joint tenant, or tenant in common to contract for the purchase of their respective shares; and such manors, messuages, lands, tenements, or hereditaments shall not be sold to any other person or persons till after the expiration of such notice, unless the person or persons having the privilege of pre-emption on behalf of themselves or others shall, by writing under his, her, or their hand or hands, waive the same, in which case such fee simple and inheritance may be sold to any other person or persons at any time before the expiration of such notice: Provided always, that when any price shall have been offered for the purchase of any such manors, messuages, lands, tenements, or hereditaments by any person or persons having such privilege of pre-emption as aforesaid, which shall not be accepted by the body politic or corporate, or company, or other person or persons proposing to sell the same, such manors, messuages, lands, tenements, or hereditaments shall not at any time afterwards be sold to any other person or persons for a less price than the

price so offered by the person or persons having such privilege of pre-emption as aforesaid till after the expiration of two calendar months further notice given to such last-mentioned person or persons of the sale proposed to be made at such reduced price (and which further notice is hereby required to be given in every such case), during which further period such person or persons shall have the like privilege of pre-emption as aforesaid of such manors, messuages, lands, tenements, or hereditaments at such reduced price: Provided also, that if such person or persons shall waive such privilege of pre-emption in manner aforesaid, such manors, messuages, lands, tenements, or hereditaments may be sold to any other person or persons at such reduced price at any time before the expiration of such period: Provided also, that every such notice to any committee of any lunatic, or any guardian of any infant, or any other person having authority to act for any incapacitated person, shall be as valid and effectual to enable the sale of such manors, messuages, lands, tenements, or hereditaments to any person or persons not having any interest in the subsisting lease or grant thereof, after the expiration of such notice (or sooner, in case of the waiver of the privilege of pre-emption by any such committee, guardian, or other person or persons having authority to act as aforesaid,) as if such notice or waiver had been given or made to or by any person or persons of capacity by law to act for themselves.

Sale or mortgage of copyhold or customary lands not to affect the right of the lord of the manor to fines, &c.

XCIV. AND be it further enacted, that no sale or mortgage of any copyhold or customary messuages, lands, tenements, or hereditaments, by virtue of this Act, shall extend or be construed to extend in anywise to prejudice or affect the right of any lord or lords, lady or ladies of any manor of which the same may be holden to such fine or fines as shall have been usual and accustomed and of right ought to be yielded and paid to such lord or lords, lady or ladies, upon any alienation of and admittance to such copyhold or customary messuages, lands, tenements, or hereditaments, nor to authorize any purchaser or mortgagee of any such copyhold or customary messuages, lands, tenements, or hereditaments, to enter and take any rents or profits thereof by virtue of this Act, until such fine or fines shall have been duly paid: Provided always, that upon the production of the deed of sale or mortgage, and upon the payment or tender of such fine or fines as aforesaid, the lord or lords, lady or ladies for the time being of any such manor shall, at the next or some subsequent court to be holden for such manor, upon request of the purchaser or mortgagee of any such copyhold or customary messuages, lands, tenements, or hereditaments, not only grant the same to him, her, or them by copy of court roll for such estate or interest as shall be sold or conveyed, reserving the usual and accustomed rents, customs, and services, but shall also at the same court admit him, her, or them tenant or tenants of the same copyhold or customary lands or tenements as other copyholders of the same manors have been wont to be admitted, and to receive his, her, or their fealty accordingly.

No more of an estate (except as before mentioned) shall be sold nor more money raised than shall appear to the commissioners

XCV. PROVIDED always, and be it further enacted, that no other or greater quantity of any estate (except in the case herein-before mentioned) shall be sold by virtue of this Act than what shall appear to the respective commissioners, under whose authority the sale shall be made, eligible and necessary to be sold for the purposes thereof; and no more money shall be raised by any such sale, or by any mortgage or grant of any rentcharge to be made

necessary for redeeming the land tax and paying expenses.

by virtue of the powers and provisions of this Act, than what shall appear to such respective commissioners sufficient for the purpose of redeeming the land tax proposed to be redeemed, and also for the purpose of paying and satisfying the costs and expenses which the bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons making any such sale, mortgage, or grant, shall incur on account thereof; and it shall be lawful for the respective commissioners under whose authority any such sale, mortgage, or grant shall be made, and also for any courts, where the authority of such courts is requisite to such sale, mortgage, or grant, to order and direct that such costs and expenses shall in the first instance be paid and satisfied out of the monies to arise therefrom, or that so much thereof as they shall deem sufficient shall be reserved for that purpose; and the order or direction of such respective commissioners or of such courts respectively shall be a sufficient discharge for so much of the said monies as shall be paid by any purchasers, mortgagees, or grantees in pursuance thereof.

No lands shall be sold, mortgaged, or charged if the person next beneficially entitled or his guardians, &c. shall, within a month after notice given to him of the intention to make such sale, &c., agree to redeem the land tax, which he shall then be bound to do.

XCVI. PROVIDED also, and be it further enacted, that no manors, messuages, lands, tenements, or hereditaments shall be sold, mortgaged, or charged by virtue of this Act, if the bodies politic or corporate, or companies, or other person or persons who shall be beneficially entitled to the first or next beneficial estate in remainder, reversion, or expectancy therein (if any such shall be), or the guardian or guardians of any such person or persons in cases of infancy, or committee or committees of his, her, or their estates in cases of lunacy, shall, within one calendar month after notice in writing shall be given to him, her, or them by the bodies politic or corporate, or companies, or other person or persons desirous of making such sale, mortgage, or grant (which notice they are hereby required to give in every such case), propose and agree to redeem the land tax for the redemption of which such sale, mortgage, or charge was proposed to be made, and which land tax any such guardians or committees are hereby authorized and empowered to redeem out of any monies or personal property belonging to any infants or lunatics for whom they shall be guardians or committees respectively; and in every such case the contract for the redemption of such land tax shall be made in the name of or be assigned to the body politic or corporate, or company, or other person or persons so beneficially entitled in remainder, reversion, or expectancy as aforesaid, who shall be bound to complete the same, and have and enjoy all benefits and advantages arising therefrom as other persons in remainder or reversion redeeming any land tax are by this Act entitled to have and enjoy: Provided always, that no such notice as last aforesaid shall be required to enable any sale, mortgage, or grant by virtue of this Act in cases where the persons desirous of making such sale, mortgage, or grant shall be the guardian or committee or the husband of the person or persons beneficially entitled to the first or next beneficial estate in remainder as aforesaid.

Where a part of an estate in England shall be proposed to be sold or mortgaged, reversioners aggrieved, or their guar-

XCVII. PROVIDED also, and be it further enacted, that it shall be lawful for any body politic or corporate, or company, or other person or persons interested in remainder, reversion, or expectancy in any estate in England of which any part shall be proposed to be so sold or mortgaged by virtue of this Act, or for the guardians, committees, or trustees of any such person or persons who shall be aggrieved by such intended sale or mortgage, or conceive themselves so to be,

at any time before such estate shall have actually been conveyed by way of sale or mortgage, to present a petition to the High Court of Chancery, which court shall have power in a summary way to make such order respecting the suspension of or proceeding in such sale or mortgage, or for the sale or mortgage of any other part of the estate in question, as well as for the payment of any costs occasioned by such petition, as such court shall think fit.

dians, &c. may apply to the Court of Chancery, which may suspend or vary the sale, &c., and order payment of costs.

XCVIII. AND be it further enacted, that all and every sum and sums of money to arise by virtue of any sale, mortgage, or grant to be made in pursuance of this Act (except such part thereof, if any, which shall have been reserved under the order and direction of the respective commissioners authorizing the sale, mortgage, or grant, for the purpose of paying costs and expenses incurred therein, and except in cases where the payment thereof is otherwise authorized or directed by this Act,) shall be paid by the respective purchasers, mortgagees, or grantees into the Bank of England, and thereupon the governor and company of the Bank of England are hereby required to place the same to the account of the commissioners for the reduction of the national debt, under the title of "an account of the sale of the land tax," who shall keep distinct accounts thereof, and cause the same to be forthwith invested in the purchase of three pounds per centum bank annuities in their names according to the directions of this Act, whether the contract or contracts for the redemption of the land tax to be redeemed therewith, or the deed of sale, mortgage, or grant shall have been completed or not; and the cashiers of the Bank are hereby required from time to time to receive all such monies when tendered at the Bank, and the receipt of such cashiers, or any one of them, shall be a full and sufficient discharge to the several purchasers, mortgagees, or grantees paying in such monies as aforesaid; and the bodies politic or corporate, or companies, or other person or persons whose land tax shall have been or shall be redeemed therewith shall, upon the production of the certificate of the contract or contracts for the redemption of such land tax, be entitled to have and receive the same certificates and discharges, and their, his, or her estate shall be exonerated and discharged from such land tax in the same manner in all respects as if the quantity of three pounds per centum bank annuities to be purchased with such monies had been actually transferred by them, him, or her to the said commissioners as the consideration for the redemption of such land tax.

Money arising from sale, &c. shall be paid into the Bank to the account of the commissioners for reduction of the national debt, and invested in the three per cents, and the cashier's receipt shall be a discharge, and the persons whose land tax shall be redeemed shall, upon production of certificate of contract, be exonerated therefrom as they would have been if they had transferred stock.

XCIX. AND be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments shall be sold by virtue of this Act for the purpose of redeeming any land tax, it shall be lawful for the bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons making such sale (with the consent and approbation of the respective commissioners under whose authority the same shall be made) to agree with the purchaser or purchasers of such manors, messuages, lands, tenements, or hereditaments that the consideration for the purchase of the same shall be in the three pounds per centum consolidated or in the three pounds per centum reduced bank annuities, to be transferred by such purchaser or purchasers to the commissioners for the reduction of the national debt, in lieu of lawful money of Great Britain to be paid into the Bank of England in the manner herein-before directed; and the commissioners for the reduction of national debt are hereby required to accept and receive the transfer of such

With the consent of the commissioners, agreement may be made with the purchasers of lands that the consideration shall be in the three per cents, to be transferred to the commissioners for reduction of the national debt, instead of money, &c.

three pounds per centum bank annuities; and the certificate of any of the cashiers of the Bank of England acknowledging such transfer shall be as effectual a discharge to the respective purchasers transferring such stock as if the consideration for such purchase had been in lawful money of Great Britain, and paid into the Bank of England in manner herein-before directed; and the bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons whose land tax shall have been redeemed therewith shall be entitled to the same certificates and discharges, and their, his, or her estate shall be exonerated and discharged from such land tax in the same manner in all respects as if such bank annuities had been actually transferred by them, him, or her as the consideration for the redemption of such land tax.

Where there shall be a surplus of stock after transferring sufficient to redeem the land tax, such surplus from lands in England shall be invested in the Bank in the name of the accountant general in Chancery, and applied by order of the court in discharge of debts affecting the lands, the tax on which is redeemed, or in purchase of other lands to be settled as the lands sold; the dividends in the meantime to be paid to the person entitled to the profits of such lands if purchased.

C. AND be it further enacted, that whenever, by reason of any fluctuation in the price of the said bank annuities, or that the precise quantity of estate necessary to be sold for the purposes aforesaid cannot be set apart to be sold, or by reason of the whole of any farm and lands, tenements, or hereditaments being sold under the authority of this Act, there shall be any surplus of stock transferred as the consideration for or purchased with the money arising by any sale, mortgage, or grant to be made by virtue thereof after reserving so much of such stock as shall be agreed to be transferred as the consideration for the land tax redeemed, the said surplus stock shall, where such manors, messuages, lands, tenements, or hereditaments sold, mortgaged, or charged are situated in England, be placed in the books of the Bank of England in the name and with the privity of the accountant general of the Court of Chancery, to the intent that the same may be applied in the manner herein-after mentioned; (that is to say,) to the intent that such surplus stock may at a convenient time be sold, and the money arising therefrom applied, under the direction and with the approbation of the said court (to be signified by an order made upon a petition to be preferred in a summary way), in the discharge of any debt or debts or parts thereof affecting the manors, messuages, lands, tenements, or hereditaments the land tax charged whereon shall have been so redeemed, or where the same shall not be so applied then the same shall be laid out and invested under the like direction and approbation in the purchase of other manors, messuages, lands, tenements, and hereditaments which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner as the manors, messuages, lands, tenements, and hereditaments which shall be so sold, mortgaged, or charged as aforesaid stood settled and limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime the dividends and annual produce of such surplus stock shall from time to time go and belong to the person or persons who would for the time being have been entitled to the rents and profits of the said manors, messuages, lands, tenements, and hereditaments in case such last-mentioned purchase and settlement were made.

In Scotland such surplus stock may be sold and the proceeds be placed in one of the public banks, by au-

CI. PROVIDED always, and be it further enacted, that where such manors, messuages, lands, tenements, and hereditaments so sold, mortgaged, or charged are situated in Scotland, such surplus stock may be sold, and the money arising therefrom be paid into or placed in one or other of the two public banks of Scotland with the previous authority of the Court of Session, the

judges of which court are hereby empowered and required upon summary petition to be presented to them by or on the behalf of the proprietor or heir in possession for the time being to direct and order that the said surplus money or balance shall be laid out and employed, as soon as conveniently may be, under the direction and with the approbation of the said court, either in the payment of debts affecting the said intended entailed estate, or in the purchase of other lands, tenements, or hereditaments, which respectively shall be limited and settled to the same persons and uses and under the same clauses and conditions as the said manors, messuages, lands, tenements, and hereditaments which shall be so sold, mortgaged, or charged as aforesaid stood settled and limited, and in the meantime, till the said surplus money or balance shall be so employed, to order and direct the money to be laid out upon such security as to the court shall seem proper upon interest, and to direct such clauses to be inserted in the bond or other security to be taken for the money as shall be effectual to secure the person or persons who would for the time being have been entitled to the rents and profits of the said manors, messuages, lands, tenements, and hereditaments, in case such sale, mortgage, or grant had not been made, and the succeeding heirs of entail who shall successively come to the possession of the same, the enjoyment of the interest of the said money, and to preserve the capital until the money shall be employed as aforesaid.

thority of the Court of Session, which shall direct the same to be applied in payment of debts affecting the estate, or in the purchase of other lands to be settled as the lands sold, and in the meantime to be placed out at interest for the benefit of the person entitled to the profits of the lands sold, and succeeding heirs.

CII. PROVIDED always, and be it further enacted, that if any such surplus as aforesaid shall not exceed the amount of two hundred pounds principal stock the same shall be transferred to a trustee to be named by the bodies politic or corporate, or companies, or other person or persons redeeming such land tax, in order that the same may be applied in manner herein-before directed, without obtaining or being required to obtain the direction or approbation of the Court of Chancery or Court of Session as aforesaid.

If the surplus does not exceed 200*l.* stock it shall be transferred to a trustee to be applied as hereby directed without application to the Courts.

CIII. PROVIDED always, and be it enacted, that where any manors, messuages, lands, tenements, or hereditaments shall be sold or charged for the purpose of redeeming any land tax, the consideration for the redemption whereof shall in the contract be stipulated to be paid in money, and the monies to be produced by any such sale, mortgage, or grant shall not exceed five hundred pounds, then and in such case it shall be lawful for the respective purchasers or mortgagees of such manors, messuages, lands, tenements, or hereditaments, or the respective grantees of any rentcharge thereout to pay their respective purchase or mortgage monies to the receiver general for the county or riding, or the collector for the shire or stewartry where the same manors, messuages, lands, tenements, or hereditaments shall be situate, whose receipts shall be as effectual in all respects to discharge such respective purchasers, mortgagees, or grantees, as the receipt of the cashier of the Bank of England would have been in case such monies had been paid into the Bank; and the respective bodies politic or corporate, or companies, or other person or persons whose land tax shall have been redeemed therewith shall be entitled to have and receive the same discharges, and their respective estates shall be exonerated and discharged from such land tax in the same manner in all respects as if such money had been actually paid by them; and in case there shall be any surplus of such monies, after reserving the consideration for such land tax, the same shall be paid to a trustee or trustees to be named by the bodies politic or corporate, or companies, or other person or persons redeeming

Where lands are sold or are charged for not more than 500*l.* and the consideration for redemption is to be paid in money, it may be paid to the receiver general or the collector of the county, &c. whose receipts shall be discharges; and any surplus shall be paid to a trustee and applied as surplus stock not exceeding 200*l.*

such land tax, in order that the same may be applied in the manner directed by this Act respecting surplus stock where the same shall not exceed two hundred pounds stock.

Money raised for reimbursing any sums laid out in the redemption of land tax, or purchasing the assignment of any land tax, &c. shall, under the order of the commissioners who authorized the sale, be paid to the persons entitled to the benefit thereof, and any remainder shall be paid to the Bank, &c.

CIV. PROVIDED always, and be it further enacted, that in all cases where any money shall be raised under any of the provisions of this Act for the purpose of reimbursing any stock or any sum or sums of money laid out in the redemption of land tax, or of paying off any sums before borrowed for that purpose, or for the purpose of purchasing the assignment of any land tax under any of the provisions of the said recited Acts or of this Act, or the assignment of any contracts not completed, in order to complete the same, such monies shall not be paid into the Bank of England or to any receiver general or collector, but the same, or (in cases where the assignment of any contract shall be purchased in order to complete the same, or in cases of sale,) so much thereof as shall be requisite shall, under the order of the respective commissioners who shall have authorized the sale, mortgage, or grant, be paid to the bodies politic or corporate, or companies, or other person or persons entitled to the benefit thereof, whose receipt or receipts in pursuance of such order shall as effectually discharge the respective purchasers or mortgagees as the receipt or receipts of the cashier of the Bank of England, or any receiver general or collector would have done, in case the same had been paid into the Bank, or to such receiver or collector pursuant to the directions of this Act; and the remainder of such monies (in cases where any such shall be) shall in pursuance of such order be paid into the Bank of England, or to the receiver general or collector (as the case may require), to the same account, and shall be applied in the same manner; and the cashiers of the Bank, or any of them, and such receiver general or collector are or is hereby required to give such receipt for the same as if the whole of such purchase or mortgage money had been paid into the Bank, or to such receiver general or collector in pursuance of this Act.

Where lands are sold for redeeming any land tax, the purchase money may be agreed to be paid by instalments into the Bank in manner prescribed by this Act.

CV. AND be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments shall be sold by virtue of this Act for the purpose of redeeming any land tax, it shall be lawful for the bodies politic or corporate, or companies, or other person or persons making such sale to agree with the purchasers of such manors, messuages, lands, tenements, or hereditaments, that the purchase money for the same shall be paid by instalments, provided such instalments be to be paid into the Bank of England in the manner directed by this Act within the same period and on the same days and times as shall be specified in the contract for the redemption of such land tax for the transfer or payment of the respective instalments of stock to be transferred thereon, together with interest at the time of payment of each instalment, as herein is directed to be paid upon the transfer of stock by instalments: Provided also, that such agreement, and the days and times stipulated for the payment of such instalments, and the amount thereof respectively, be inserted and expressed in the indenture whereby such manors, messuages, lands, tenements, or hereditaments shall be conveyed: Provided also, that after such conveyance shall be executed no such body politic or corporate, or company, or other person, nor their respective successors, executors, or administrators, shall be subject or liable to any penalty or forfeiture by this Act imposed, in case of default in the transfer of any of the instalments agreed to be transferred on

In default of payment the person, &c. selling the lands shall be exonerated, and the purchaser shall be liable.

the contract entered into by such body politic or corporate, or company, or other person, for the redemption of the land tax charged on their manors, messuages, lands, tenements, or hereditaments, nor shall the land tax so contracted for be revived or again become chargeable on the manors, messuages, lands, tenements, and hereditaments whereon the same was charged prior to such contract, but all such penalties and forfeitures shall be paid, sustained, and borne by such purchaser or purchasers, his, her, or their heirs, executors, administrators, or assigns, and all the subsequent instalments of such purchase money shall be recoverable as a debt to his Majesty upon record against him, her, or them, and against his, her, or their estates, goods, chattels, and effects.

Where the purchase money of lands sold for redeeming the land tax is to be paid into the Bank within the year, and in not more than six instalments, the Treasury may, after payment of the first, advance money for the immediate completion of the contract, or agree with any other persons for the advance of such money to the purchasers.

CVI. AND be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments shall be sold by any bodies politic or corporate, or companies aforesaid, or by any person or persons whatever for the redemption of any land tax, under a contract or agreement with the purchaser or purchasers thereof that the purchase money shall be paid into the Bank of England in not more than six equal instalments at equal periods from each other, and be completed within the period of one year from the time of paying in the first instalment, then and in every such case it shall be lawful for the lords commissioners of the Treasury or any three or more of them for the time being, at any time after payment of the first instalment, to agree with the purchaser or purchasers of such manors, messuages, lands, tenements, or hereditaments for the advance or loan to him, her, or them of so much money as shall be sufficient for the immediate completion of the contract, upon such terms and conditions for securing the repayment of the said principal money so to be advanced, with lawful interest for the same, as the said lords commissioners of the Treasury or any three or more of them for the time being shall think reasonable and just, and as shall be agreed to by such purchaser or purchasers; or otherwise it shall be lawful for the said lords commissioners of the Treasury or any three or more of them to contract and agree with any other bodies politic or corporate, or companies, or other person or persons, for the advance or payment into the Bank of England by such bodies politic or corporate, or companies, or other person or persons, on the behalf of such purchaser or purchasers, of such sum or sums of money as he, she, or they shall desire to be advanced for the purposes before mentioned, upon such terms and conditions as the said bodies politic or corporate, or companies, or other person or persons, and the said purchaser or purchasers shall respectively agree upon.

Purchasers receiving such advance to enter into bonds to the King for repayment with interest.

CVII. PROVIDED always, and be it further enacted, that all and every person and persons, for whom any such sum and sums shall be advanced for the purpose aforesaid, shall enter into a security for the repayment of the same, with interest, by writing obligatory to our sovereign lord the King, in such sum or sums of money as shall be directed by the said lords commissioners of the Treasury, or by the corporation, companies, societies, or persons respectively advancing the same as aforesaid, to be paid to our said lord the King, by such form of words as obligations to the King's Majesty have been used to be made, and with such conditions to be thereunder written as between the said commissioners of the Treasury, or the parties advancing such sums of money, and the said respective purchasers, shall be agreed on; and that all such obligations so to be made shall be good and effectual in the law,

and shall be of the same quality, force, and effect, to all intents and purposes, as any obligation made to our sovereign lord the King, or his predecessors or any of them, hath at any time heretofore been or now is adjudged, received, or taken to be, any law, usage, or custom to the contrary notwithstanding: Provided also, that no obligation to his Majesty in pursuance of this Act shall be liable to any stamp duty whatever.

Such bonds not liable to stamp duty.

On failure of repayment of such advance the Treasury or other lenders shall issue certificates to the proper officers of the Crown, requiring them to proceed against the defaulters; and the money, when recovered, shall be paid to the Bank.

CVIII. AND be it further enacted, that if default shall be made by any such purchaser or purchasers, his, her, or their heirs or assigns, in the repayment of any such sum or sums of money which shall be so advanced either by the said lords commissioners of the Treasury, or by any other bodies politic or corporate, or companies, or other person or persons aforesaid, or of the interest thereon or any part thereof, within the respective times limited by the said obligations for the payment thereof, it shall be lawful for the said lords commissioners of the Treasury, or the said bodies politic or corporate, or companies, or other person or persons aforesaid, who shall have advanced such sums of money as aforesaid, and they are hereby respectively required, without further delay to issue his or their certificate or certificates from time to time to the proper officer of the Crown having the management of proceedings upon obligations to his Majesty, requiring such officer or officers personally to proceed against the person or persons making such default, his, her, and their heirs, executors, and administrators, for the recovery of such parts of the sums advanced as shall be then due, together with interest as aforesaid, and such costs and charges attending such proceedings as shall be by law payable for the same, the amount of which principal sums so to be levied the said commissioners of the Treasury, or bodies politic or corporate, or companies, or persons aforesaid shall cause from time to time to be testified by their note in writing, under the hands o any two or more of them, to such officer or officers, and which sums shall b inserted in the writ or process, and the like process shall and may from tim to time issue as aforesaid as occasion shall require; and the sums so recovere (the costs and charges aforesaid excepted) shall be paid to the said cashier cashiers of the Bank of England, without abatement, deduction, or delay, satisfaction of such demands.

On the production of any such certificate to a baron of the Exchequer, and on his fiat, an extent shall issue without writ of scire facias or further proof.

CIX. PROVIDED also, and be it further enacted, that where any proceedi shall be directed under the authority of this Act no writ or writs of scire faci shall be required to be issued, but that upon the production of the certificate certificates of the said commissioners as before mentioned before any of t barons of the respective courts of Exchequer at Westminster or in Scotland extent shall and may issue in the first process upon the fiat of such bar without any affidavit or other verification or proof of the cause of such p ceeding than such certificate or certificates as aforesaid.

On payment of the advance, with interest, the purchaser's bond shall be delivered up, and in case of prosecution satisfaction shall be entered on the record, &c.

CX. AND be it further enacted, that after the due payment of the su advanced, with interest as aforesaid, every obligation entered into in pursua of this Act being fully satisfied according to the true intent and meaning this Act shall be forthwith delivered up to be cancelled; and in case any s obligation shall have been prosecuted according to the directions of this A the said commissioners of the Treasury or any three or more of them shall their warrant or warrants direct the proper officer or officers of the s respective courts of Exchequer to enter up satisfaction, on such obligation

the contract entered into by such body politic or corporate, or company, or other person, for the redemption of the land tax charged on their manors, messuages, lands, tenements, or hereditaments, nor shall the land tax so contracted for be revived or again become chargeable on the manors, messuages, lands, tenements, and hereditaments whereon the same was charged prior to such contract, but all such penalties and forfeitures shall be paid, sustained, and borne by such purchaser or purchasers, his, her, or their heirs, executors, administrators, or assigns, and all the subsequent instalments of such purchase money shall be recoverable as a debt to his Majesty upon record against him, her, or them, and against his, her, or their estates, goods, chattels, and effects.

Where the purchase money of lands sold for redeeming the land tax is to be paid into the Bank within the year, and in not more than six instalments, the Treasury may, after payment of the first, advance money for the immediate completion of the contract, or agree with any other persons for the advance of such money to the purchasers.

CVI. AND be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments shall be sold by any bodies politic or corporate, or companies aforesaid, or by any person or persons whatever for the redemption of any land tax, under a contract or agreement with the purchaser or purchasers thereof that the purchase money shall be paid into the Bank of England in not more than six equal instalments at equal periods from each other, and be completed within the period of one year from the time of paying in the first instalment, then and in every such case it shall be lawful for the lords commissioners of the Treasury or any three or more of them for the time being, at any time after payment of the first instalment, to agree with the purchaser or purchasers of such manors, messuages, lands, tenements, or hereditaments for the advance or loan to him, her, or them of so much money as shall be sufficient for the immediate completion of the contract, upon such terms and conditions for securing the repayment of the said principal money so to be advanced, with lawful interest for the same, as the said lords commissioners of the Treasury or any three or more of them for the time being shall think reasonable and just, and as shall be agreed to by such purchaser or purchasers; or otherwise it shall be lawful for the said lords commissioners of the Treasury or any three or more of them to contract and agree with any other bodies politic or corporate, or companies, or other person or persons, for the advance or payment into the Bank of England by such bodies politic or corporate, or companies, or other person or persons, on the behalf of such purchaser or purchasers, of such sum or sums of money as he, she, or they shall desire to be advanced for the purposes before mentioned, upon such terms and conditions as the said bodies politic or corporate, or companies, or other person or persons, and the said purchaser or purchasers shall respectively agree upon.

Purchasers receiving such advance to enter into bonds to the King for repayment with interest.

CVII. PROVIDED always, and be it further enacted, that all and every person and persons, for whom any such sum and sums shall be advanced for the purpose aforesaid, shall enter into a security for the repayment of the same, with interest, by writing obligatory to our sovereign lord the King, in such sum or sums of money as shall be directed by the said lords commissioners of the Treasury, or by the corporation, companies, societies, or persons respectively advancing the same as aforesaid, to be paid to our said lord the King, by such form of words as obligations to the King's Majesty have been used to be made, and with such conditions to be thereunder written as between the said commissioners of the Treasury, or the parties advancing such sums of money, and the said respective purchasers, shall be agreed on; and that all such obligations so to be made shall be good and effectual in the law,

recited Acts or of this Act, shall be liable, upon their, his, or her coming into the possession of or being beneficially entitled to any such manors, messuages, lands, tenements, or hereditaments, to the payment of arrears of interest on any sum or sums of money secured by mortgage as aforesaid, or of arrears of any rentcharge, for more than twelve calendar months preceding the time that the title to such possession shall have accrued.

Persons having rentcharges shall have the same powers for recovery thereof as landlords for recovery of rents.

CXVI. AND be it further enacted, that the respective persons to whom any rentcharges shall have been or shall be granted by virtue of the said recited Acts or of this Act shall have and be entitled to use and take the same powers, remedies, benefits, and advantages for the recovery thereof, as landlords by the law have or are entitled to use and take for the recovery of rents reserved on common demises or leases.

When sale moneys are not paid into the Bank, but invested in the three per cents, to be transferred to the commissioners for reduction of the national debt, they shall accept the transfer, and grant to the purchaser a certificate of the amount, on production of which at the Bank a receipt shall be given.

CXVII. AND be it further enacted, that where any money arising from the sale of any manors, messuages, lands, tenements, or hereditaments shall not have been or shall not be paid into the Bank of England pursuant to the directions of the said recited Acts or of this Act, but shall have been or shall be laid out and invested in the purchase of three pounds per centum bank annuities transferred or for the purpose of being transferred to the commissioners for the reduction of the national debt, as the consideration for the redemption of any land tax chargeable on any manors, messuages, lands, tenements, or hereditaments belonging to any bodies politic or corporate, or companies, or other person or persons by whom such first-mentioned manors, messuages, lands, tenements, or hereditaments shall have been or shall be hereafter sold, then and in such case the commissioners for the reduction of the national debt or any one or more of them shall and they are hereby authorized and required to accept and receive the transfer of such three pounds per centum bank annuities, and to grant to any purchaser or purchasers of such manors, messuages, lands, tenements, and hereditaments, his, her, or their agent or agents, a certificate under his or their hand or hands of the amount of three pounds per centum bank annuities which shall have been or shall be so transferred to them as aforesaid; and upon the production of such certificate to any of the cashiers of the Bank of England he or they shall and is or are hereby required to give any such purchaser or purchasers such receipt or receipts as by the said Acts or any of them or this Act is or are required to be given, as well for any monies which shall have been or shall be so invested as aforesaid, as for any other monies which may have been or may be paid by him, her, or them into the Bank of England, in the manner required by the said recited Acts or any of them, or by this Act.

Where land tax charged upon lands (except of ecclesiastical corporations) granted out upon beneficial leases, &c. shall be redeemed by sale of part of the lands, the unsold parts shall be chargeable with the amount of the

CXVIII. AND be it further enacted, that in all cases where the land tax charged upon any manors, messuages, lands, tenements, or hereditaments belonging to any bodies politic or corporate (other than bishops or other ecclesiastical corporations), or to any companies, or other person or persons, and granted out upon any beneficial lease or leases, or by any copy or copies of court roll or other grant, according to the custom of any manor, for life or lives, or years absolute, or years determinable upon any life or lives, shall be redeemed by the monies arising from the sale or sales of the fee simple and inheritance of any part of such manors, messuages, lands, tenements, or hereditaments, then and in such case the respective manors, messuages, lands, tenements, and hereditaments remaining unsold shall, immediately after the

redemption of such land tax, be and become charged and chargeable for the benefit of such bodies politic or corporate, or companies, or other person or persons, with such yearly sum or sums respectively, by way of rentcharge, as shall be equal in amount to the land tax charged thereon at the times of such redemption, which shall be applicable in their hands to the same uses and purposes and in the same manner as the several yearly rents and profits of such manors, messuages, lands, tenements, or hereditaments shall from time to time be applicable.

land tax by way of rentcharge.

CXIX. AND be it further enacted, that every deed whereby any sale, mortgage, or grant of any rentcharge shall be made by virtue of this Act in relation to estates in England shall be inrolled within six calendar months after the execution thereof in one of his Majesty's courts of record at Westminster, or in the courts of the counties palatine of Chester, Lancashire, or Durham, or in the courts of great sessions in Wales, as the case shall require, or be registered in the counties of Middlesex and York in the manner required by law for conveyances of real estates situated in those counties respectively; and all deeds and conveyances in relation to estates in Scotland shall be executed and registered in the manner required by the law of Scotland in respect of sales or charges of real estates: Provided always, that where the consideration expressed in any such deed shall not exceed two hundred pounds, the registry thereof with the proper officer appointed or to be appointed for the registry of contracts for the redemption of land tax shall be as valid and effectual as if the same were inrolled or registered in the manner herein-before directed, and such officer is hereby required to register the same gratis; and after the payment of the purchase or mortgage money into the Bank of England, or to the receiver general or his deputy in England, or to the collectors in Scotland (in cases where the same is by this Act authorized to be paid to any receiver general or his deputy, or collector), in the manner herein-before directed, and after such inrolment or registry as aforesaid, every such deed of sale, mortgage, or grant made by virtue of this Act shall be good, valid, and effectual in the law to all intents and purposes whatsoever: . . . . . .

Deeds of sale, &c. in England shall be enrolled in a court of record, &c., and in Scotland shall be executed and registered as required by the law there; but where the consideration shall not exceed 200*l.* the registry of the deed with the registrar of contracts for redemption of land tax shall be valid.

After payment of the money into the Bank, &c., and enrolment, the deed shall be valid.

CXX. AND be it further enacted, that the proof of the due execution of any deed of sale, enfranchisement, mortgage, or grant, under the provisions of the said recited Acts or of this Act, by the respective commissioners parties thereto, shall be allowed and admitted in all courts and places and before all persons to be good and sufficient evidence that the several notices and other acts, matters, and things required by the said recited Acts or this Act to be given and done by any vendor or mortgagor, or any grantor of any rentcharge, previously to any such sale, mortgage, or grant, were duly given, done, and performed by such vendor, mortgagor, or grantor pursuant to the directions of the said recited Acts or of this Act.

Proof of the execution of any deed by the commissioners parties thereto shall be sufficient evidence that everything required was duly done.

CXXI. PROVIDED always, and be it further enacted, that in all cases where any money hath been or may hereafter be paid into the Bank of England, to be placed to the account of the commissioners for the reduction of the national debt, as the whole or part of the purchase money for any manors, messuages, lands, tenements, or hereditaments sold or contracted to be sold by any bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons, and it shall appear to the satisfaction of the said commissioners appointed under the great seal, in cases

Where purchase money has been improperly paid into the Bank, to be placed to the account of the commissioners for reduction of the national debt, the commis-

sioners for executing this Act, where the sales were made under their authority, and the commissioners for taxes, in other cases, may order the money to be repaid; and where it has been invested in stock, may order it to be transferred to the party who paid the money, &c.

where such sales or contracts for sale shall have been made under their authority, or to the satisfaction of the commissioners for the affairs of taxes in all other cases, that such money ought not to have been so paid, then and in all such cases it shall be lawful for the said commissioners appointed under the great seal, by writing under their hands or the hands of any two of them, and for the said commissioners for the affairs of taxes, or any three or more of them, respectively to order and direct the governor and company of the Bank of England, and such governor and company are hereby required, to repay all such monies to the person or persons by whom or on whose account the same shall appear to have been paid into the Bank; and in all cases where such money shall have been already invested in the purchase of three pounds per centum bank annuities, in the names of the commissioners for the reduction of the national debt, upon a certificate signed by any two or more of the said commissioners appointed under the great seal, or by any three or more of the said commissioners for the affairs of taxes, as the case may be, that such money ought not to have been so invested, it shall be lawful for the said commissioners for the reduction of the national debt, or any one or more of them, and he or they is and are hereby required, to transfer the stock which has been so bought by or transferred to them to the person or persons by whom or on whose account such money shall have been paid into the Bank, and with which money such stock had been so purchased, and the receipt and receipts of such person and persons shall be sufficient discharges for such monies or stock.

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Where any person having an estate other than of inheritance shall redeem the land tax out of his own property, the estate shall be chargeable for his benefit with the amount of the stock transferred or money paid, and a yearly sum by way of interest equal to the land tax redeemed; but reversioners shall be liable to payment of the interest only from the time of their coming into possession; and when the land tax has been redeemed by reversioners they shall be entitled to a yearly sum equal thereto until the estates vest in them.

CXXIII. AND be it further enacted, that where any person or persons having any estate or interest (other than an estate of inheritance) in any manors, messuages, lands, tenements, or hereditaments shall redeem the land tax charged thereon by or out of his, her, or their own absolute property, such manors, messuages, lands, tenements, or hereditaments shall be and become chargeable for the benefit of such person or persons, his, her, or their executors, administrators, or assigns, with the amount of the three pounds per centum bank annuities which shall have been transferred, or with the amount of the monies paid as the consideration for the redemption of such land tax, as the case may be, and with the payment of a yearly sum or sums of money by way of interest thereon, equal in amount to the land tax redeemed: Provided always, that no person or persons in remainder, reversion, or expectancy, having any future interest in such manors, messuages, lands, tenements, or hereditaments as aforesaid, who shall afterwards, in order of succession, come into the actual possession or be beneficially entitled to the rent and profits of any such manors, messuages, lands, tenements, or hereditaments, shall be liable to the payment of any yearly sum or sums of money by way of interest as aforesaid, save only from the time they shall respectively come into possession or be beneficially entitled as aforesaid: Provided also, that where the land tax charged on any manors, messuages, lands, tenements, or hereditaments shall be redeemed by any bodies politic or corporate, or companies, or any feoffees or trustees for charitable or other public purposes, or other person or persons having any estate or interest in remainder, reversion, or expectancy therein, or being substitute heirs of entail entitled in their order to succeed thereto, such bodies politic or corporate, or companies, or feoffees

Where a person has redeemed land tax on lands subject to an annual rent for which he would have been entitled to deduct a proportion of rate under 38 G. 3. c. 5., he may continue to deduct such proportion.

CXXVII. AND be it further enacted, that where any bodies politic and corporate, or companies, or other person or persons shall by virtue of the said recited Acts have redeemed or shall by virtue of this Act redeem any land tax charged upon any manors, messuages, lands, tenements, or hereditaments which at the time of such redemption were or shall be charged with or subject to the payment of any fee farm, feu duty, or other annual rent for which such bodies politic or corporate, or companies, or other person or persons would, upon payment of the land tax, have been entitled to abate and deduct a just proportion of rate under the said recited Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax, it shall be lawful for all such bodies politic and corporate, or companies, or other person or persons to continue to abate and deduct a just proportion, from time to time, upon any payment of such fee farm, feu duty, or other annual rent, as if such land tax had not been redeemed.

Guardians, &c. may transfer stock standing in the names of infants, &c. either solely or jointly with themselves for redemption of land tax on the lands of such infants, &c.

CXXVIII. AND be it further enacted, that it shall be lawful for all guardians, tutors, and curators of infants, and for all trustees for married women, who have contracted or who shall contract on their behalf for the redemption of land tax charged on any manors, messuages, lands, tenements, or hereditaments wherein such infants or married women shall be interested, to transfer to the commissioners for the reduction of the national debt so much of three pounds per centum consolidated or three pounds per centum reduced annuities, which shall be standing in the name or names of such infants or married women, either solely or jointly with such guardians, tutors, curators, or trustees, or any of them, as shall be sufficient for the redemption of the land tax contracted for, and the governor and company of the Bank of England are hereby authorized and required to permit and suffer such transfers to be made; and the cashier or cashiers of the Bank of England shall give a certificate or receipt for the stock to be so transferred, which shall be an acquittance and discharge to such guardians, tutors, curators, or trustees transferring such stock as aforesaid; and the said governor and company and their respective officers are hereby indemnified against all persons whatever for any transfer made in pursuance of this Act.

No contract entered into after passing of this Act, or the amount of land tax redeemed thereby shall be affected by any appeal from the assessment by which the tax was charged, but the appeal shall be decided between such of the parties as shall not have contracted.

CXXIX. AND be it further enacted, that no contract entered into after the passing of this Act for the redemption of any land tax, nor the amount of land tax redeemed thereby, shall in anywise be impeached, affected, or altered by the judgment or determination of the commissioners on any appeal from the assessment by which such land tax shall have been charged, whether such appeal shall have been made prior or subsequent to any proceedings had under this Act for the purpose of entering into such contract, but such appeal shall be decided wholly between such other parties charged by such assessment as shall not have entered into any such contract, and in the same manner as if the contract so entered into had been completed before the making or determining such appeals; and every contract so entered into shall stand good, and the land tax redeemed thereby shall be considered as if no such appeal had been made from such assessment.

If land tax contracted for shall have been reduced within three years before com-

CXXX. PROVIDED always, and be it further enacted, that if such land tax so contracted for shall have been reduced in its amount by any assessment made within three years preceding the time of completing such contract, and any such appeal shall be made against the party who shall have entered into

the contract for the redemption of such land tax, his or her heirs or assigns, and it shall be found to the satisfaction of the commissioners before whom such appeal shall be heard, and shall be adjudged by them, that the reduction in the amount of the assessment land tax so redeemed was fraudulently made or was obtained by some undue practice or false representation of the value of the estate of such party in the parish or place where such assessment was made, or of the proportion of value which his or her estate bore to other estates or incomes liable to be assessed in the same parish or place, so as to prove to the satisfaction of such commissioners that such reduction was wrongfully made, then and in such case, but not otherwise, the land tax so contracted for shall remain liable to be revised and altered (in the same manner as if the contract for the same had not been completed) by any determination on any appeal which shall be made and determined within one year next after the completion of such contract.

pletion of the contract, and it shall appear on appeal to the commissioners that the reduction was fraudulently obtained, the assessment may be revised on appeal within one year from completion of contract.

CXXXI. AND be it further enacted, that it shall be lawful for the surveyor general of the land revenues of the crown, in respect of the land tax charged on the manors, messuages, lands, tenements, rents, or other revenues of the crown within the survey and receipt of the Exchequer for the time being, with the consent of the lord high treasurer or the commissioners of the Treasury for the time being, and for the receiver general for the time being of the revenues of the duchy of Lancaster, with the consent of the chancellor for the time being of the said duchy, in respect of the land tax charged on the manors, messuages, lands, rents, tenements, hereditaments, or other revenues of the crown within the survey and receipt of the said chancellor and council and officers of the said duchy, and for the surveyor general of the duchy of Cornwall in respect of the land tax charged on the manors, messuages, lands, tenements, rents, and other revenues of the duchy of Cornwall, to contract and agree with the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, for the redemption of the land tax charged upon any of the said manors, messuages, lands, tenements, rents, or other revenues respectively, and to proceed to the completion of such contract in such and the like manner in all respects as is herein-before directed in cases of redemption of any land tax, with and subject to such benefit of preference as is herein-before given to any bodies politic or corporate by this Act, except where it shall be otherwise expressly provided by this Act.

The surveyor general of the land revenues of the crown, with the consent of the Treasury, the receiver general of the duchy of Lancaster, with the consent of the chancellor, and the surveyor general of the duchy of Cornwall, may contract for the redemption of the land tax within their respective surveys.

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CXXXIII. AND be it further enacted, that it shall be lawful for the surveyor general of the land revenues of the crown, now or for the time being, to contract or agree with any person or persons, or any bodies politic or corporate, for the sale from time to time of such or so much of the manors, messuages, lands, tenements, rents, tithes, mines, minerals, collieries, woods, wood grounds, fens, marshes, waste lands, or other hereditaments belonging to the crown, and within the survey and receipt of the Exchequer in England, for the best prices or considerations in money which the said surveyor general shall, under the direction and with the approbation of the lord high treasurer or commissioners of the Treasury for the time being, be able to procure for the same, as will raise a sum of money sufficient for the redemption of the land tax charged upon the manors, messuages, lands, tenements, tithes, rents, hereditaments, or any other revenues of or belonging to the crown; and the purchase monies to be paid for the same shall from time to time be paid into the Bank of England to the account of the commissioners of his Majesty's Treasury, under which title the governor and company of the Bank of England are hereby required to open an account accordingly,

Surveyor general of the land revenues may contract for sale of crown lands within the survey of the Exchequer to redeem the land tax;

the purchase money to be paid into the Bank, and laid out in the pur-

chase of three per cents., as directed by 34 G. 3. c. 75., but to be kept as a distinct account.

and shall be laid out by order of the surveyor general in the purchase of three pounds per centum consolidated bank annuities in the names of the commissioners of his Majesty's Treasury, in like manner as is directed by an Act passed in the thirty-fourth year of the reign of his present Majesty, intituled "An Act for the better management "of the land revenue of the crown, and for the sale of the fee farm and other "unimprovable rents," but nevertheless in such manner that the accounts thereof may be kept separate and distinct from the accounts of the sales made and stock purchased in pursuance of that Act. [Rep., Stat. Law Rev. Act, 1872.]

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Contracts and receipts, on sale of such lands to be in the forms in schedules (G.), (H.), (I.), (K.)

CXXXVIII. AND be it further enacted, that every contract made under the authority of this Act, for the sale of any part of the land revenues of the crown within the survey and receipt of the Exchequer, shall be in the form specified in the schedule hereunto annexed marked (H.) [Rep., Stat. Law Rev. Act, 1872.]; and every certificate for the sale of any part of the revenues of the crown within the survey or receipt of the chancellor and council of the duchy of Lancaster, shall be in the form specified in the schedule hereunto annexed marked (G.); and every certificate of contract for the sale of any part of the revenues of the duchy of Cornwall shall be in the form in the schedule hereunto annexed marked (I.); and the receipt or acknowledgment for the consideration of every such sale shall be in the form in the schedule hereunto annexed marked (K.)

Chancellor and council of the duchy of Lancaster may sell lands, &c. within the duchy, to redeem the land tax;

CXXXIX. AND be it further enacted, that it shall be lawful for the chancellor and council of the duchy of Lancaster for the time being to sell and dispose of, to any person or persons, bodies politic or corporate, from time to time, and thereupon to grant and assure in the name of his Majesty, his heirs and successors, under the seal of the said duchy, such and so much of the manors, messuages, lands, tenements, tithes, mines, minerals, collieries, woods, grounds, fens, marshes, waste lands, or other hereditaments belonging to the crown and within the survey and receipt of the said duchy and the officers of the same, at or for the best prices or considerations in money which the said chancellor and council shall be able to procure for the same, as will raise a sum of money sufficient for the redemption of the land tax charged upon the manors, messuages, lands, tenements, rents, hereditaments, or any other revenues of or belonging to the crown within the survey and receipt of the said duchy and the officers of the same, and the purchase money to be paid for the same shall from time to time be paid into the hands of the receiver general of the revenues of the said duchy, and acquittances and receipts given by him for the same; and the same shall be laid out and invested in like manner in all respects as is directed by an Act passed in the nineteenth year of the reign of his present Majesty, intituled "An Act to enable the chancellor "and council of the duchy of Lancaster to sell and dispose of certain fee-farm "rents, and to enfranchise copyhold and customary tenements within their "survey, and to encourage the growth of timber on lands held of the said "duchy," or any other Act or Acts now in force for the sale of any manors, messuages, lands, tenements, rents, or hereditaments within the survey and receipt of the said duchy or its officers.

the purchase money to be paid to the receiver general of the duchy and invested according to the directions of 19 G. 3. c. 45.

The Treasury and the chancellor and

[CXL.[a]] AND be it further enacted, that it shall be lawful for the lord high treasurer or the commissioners of the Treasury, in respect of the crown lands

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[a] This section, so far as it relates to anything to be done in respect of crown lands within the survey and receipt of the Exchequer, rep., Stat. Law Rev. Act, 1872.]

within the survey and receipt of the Exchequer, and for the chancellor and council of the duchy of Lancaster, by order of his Majesty in council, in respect of the crown lands in the survey and receipt of the said duchy for the time being, from time to time, to cause to be transferred to the commissioners for the reduction of the national debt so much of the capital stock vested in their respective names, arising from any sales made by them respectively in pursuance of the said respective Acts of the nineteenth and thirty-fourth years of the reign of his present Majesty, and of this Act, or any other Act or Acts now in force for the sale of any of the manors, messuages, lands, tenements, rents, hereditaments, and other revenues of the crown within the survey and receipt of the Exchequer or the duchy of Lancaster, as may be necessary for the redemption of the land tax charged upon any of the said manors, messuages, lands, tenements, rents, hereditaments, and other revenues of the crown respectively; and that in the meantime and until the same shall be so transferred the interest or yearly dividends thereof, and also the interest or yearly dividends of any part of such capital stock which shall not be applied or disposed of for the redemption of such land tax, shall be from time to time received, accounted for, applied, and appropriated in like manner in all respects as is directed by the said Acts of the nineteenth and thirty-fourth years of his Majesty's reign in respect of the dividends of stock purchased in pursuance of the said Acts or either of them respectively.

council of the duchy of Lancaster may, from the produce of sales, transfer to the commissioners for reduction of the national debt the stock necessary to redeem the land tax on the crown lands within their respective surveys; the interest in the meantime, and any surplus, to be applied according to directions of recited Acts of 19 and 34 G. 3.

CXLI. AND be it further enacted, that upon the redemption by the transfer of stock in the manner herein-before mentioned of any land tax charged upon any manors, messuages, lands, tenements, rents, hereditaments, or any other revenues belonging to the crown, and upon the registry thereof in the manner herein directed, the manors, messuages, lands, tenements, rents, hereditaments, or any other revenues belonging to the crown, upon which such land tax shall have been charged, shall thenceforth be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof; and the amount of such land tax shall thenceforth during the continuance of any lease or demise now in being be considered as rent due to his Majesty, his heirs and successors, and be recovered and recoverable as such by his Majesty, his heirs and successors, against any lessee or lessees, and by such lessee or lessees against his, her, or their under lessees or tenants respectively, and shall be collected and received by such person or persons and subject to such orders and regulations as the lord high treasurer or commissioners of the Treasury in respect of the crown lands within the survey and receipt of the Exchequer, and the chancellor and council of the duchy of Lancaster in respect of the crown lands in the survey and receipt of the said duchy, shall from time to time appoint and establish for the better collecting and answering the same to his Majesty, his heirs and successors.

On such transfer the crown lands shall be exonerated from the land tax, and the amount shall be considered as rent due to his Majesty, and shall be recoverable as such from the lessees, and by them from their underlessees.

CXLII. AND be it further enacted, that it shall and may be lawful for his royal Highness George Prince of Wales and Duke of Cornwall, by warrant under his said royal Highness's sign manual, to nominate and appoint such and so many persons as his said royal Highness may think proper, for the purpose of ascertaining the proportions of the land tax charged upon any of the manors, messuages, lands, tenements, hereditaments, or other revenues belonging to and parcel of the duchy of Cornwall; and such commissioners are hereby required, as soon as they conveniently can, to certify and report in writing under their hands and seals unto the council or commissioners of the revenue of his said royal Highness the proportions of such land tax, and the district within which, and the manors, messuages, lands, tenements, heredita-

The Prince of Wales may appoint persons to ascertain the proportion of land tax charged upon the lands of the duchy of Cornwall, to be reported to his council, and a

copy to be sent to the surveyor general of the duchy.

ments, or other revenues upon which the same is charged and payable, and to transmit a copy of such certificate to the surveyor general of the duchy of Cornwall. [Rep., Stat. Law Rev. Act, 1872.]

Such surveyor general may contract for sale of lands to redeem the land tax;

CXLIII. AND be it further enacted, that it shall be lawful for the surveyor general of the duchy of Cornwall now or for the time being to contract or agree with any person or persons, or any bodies politic or corporate, for the sale from time to time of such or so much of the manors, messuages, lands, tenements, rents, tithes, mines, minerals, collieries, woods, wood grounds, fens, marshes, waste lands, or other hereditaments belonging to and parcel of the said duchy of Cornwall, for the best prices or considerations in money which the said surveyor general shall be able to procure for the same, as will raise a sum of money sufficient for the redemption of the said land tax charged upon the manors, messuages, lands, tenements, or any other revenues belonging to and parcel of the said duchy of Cornwall; and the purchase money to be paid for the same shall from time to time be paid by the respective purchasers into the Bank of England, to be there received by the cashiers of the Bank, and accounted for and invested in the manner herein-after directed.

the purchase money to be paid into the Bank.

Such contracts shall be made only by warrant from the prince's council.

CXLIV. PROVIDED always, and be it further enacted, that no such contract shall be made unless by special warrant, to be issued for that purpose by the council or commissioners of the revenues of his said royal Highness, or any three or more of them, for the time being.

The Bank shall open an account with the said duchy.

CXLV. AND be it further enacted, that the governors and directors of the Bank of England shall and they are hereby required to open an account in their books under the title of "The account of the duchy of Cornwall," and carry to the credit of such account the several monies directed as aforesaid to be paid to the cashiers of the Bank for or on account of the purchase of any of such manors, messuages, lands, tenements, rents, hereditaments, or other revenues of the said duchy of Cornwall; and whensoever the surveyor general of the said duchy of Cornwall shall have contracted with any person or persons, bodies politic or corporate, for the sale of any such manors, messuages, lands, tenements, rents, hereditaments, or other revenues of the said duchy of Cornwall, the said surveyor general shall grant unto the purchaser or purchasers a certificate under his hand specifying the premises so contracted for, and the amount of the purchase money to be paid for the same; and the said cashiers of the Bank or one of them shall, upon the production of such certificate, accept and receive from such purchaser or purchasers the purchase monies therein specified, and at the foot or on the back of such certificate acknowledge the receipt of the said monies without fee or reward; and the said certificate and receipt shall be afterwards brought to the office of the auditor of the duchy of Cornwall, and be there forthwith inrolled in proper books to be provided and kept for that purpose separate and apart from the other business and proceedings of the said office; and the said auditor or his lawful deputy having inrolled the said certificate and receipt shall attest the same under his hand and return the said certificate and receipt to the purchaser or purchasers; and from and immediately after such inrolment, and thenceforth for ever, the respective purchasers of any such manors, messuages, lands, tenements, rents, tithes, mines, minerals, collieries, woods, wood grounds, fens, marshes, waste lands, or other hereditaments belonging to and parcel of the said duchy of Cornwall, and the heirs, successors, or assigns of such purchasers shall by force of this Act be adjudged,

The surveyor general, in contracting for the sale of lands, shall give the purchaser a certificate, on production of which, and payment of the money, the Bank shall give a receipt, which with the certificate shall be enrolled with the auditor of the duchy, and thenceforth the purchaser shall be possessed of the lands.

deemed, and taken to be in the actual seisin and possession of the manors, messuages, lands, tenements, rents, hereditaments, or other revenues so by them respectively purchased, and shall hold and enjoy the same peaceably and quietly, and in as full and ample manner to all intents and purposes as his said royal Highness, his heirs or successors, Dukes of Cornwall, might or could have held or enjoyed the same.

Contracts, if not certified and enrolled, and the money paid within 40 days, shall be void, unless the surveyor general of the land revenues or of the duchy of Cornwall respectively shall on due cause shewn order the certificate to be enrolled nunc pro tunc.

CXLVI. PROVIDED always, and be it further enacted, that if any person or persons with whom the surveyor general of the land revenue of the crown, or of the duchy of Cornwall, shall contract for the sale of any of the manors, messuages, lands, tenements, rents, hereditaments, or other revenues by this Act authorized to be sold as aforesaid, shall neglect to procure and sue forth the certificate of the respective surveyor general of his, her, or their contract, or shall neglect to pay into the Bank of England the consideration money therein to be specified, or shall neglect to enrol such certificate and the cashier's receipt for the said money, according to the directions of this Act, for the space of forty days, to be computed from the day on which such contract shall have been made, the said contract shall be null and void, and the consideration money, if paid into the Bank, shall be forfeited, unless the respective surveyor general shall for any reasonable cause to him shown for the omission of such enrolment order the said certificate to be enrolled nunc pro tunc, and which, upon such cause being shown, he is hereby authorized to order accordingly.

Money paid into the Bank on account of the duchy shall be and remain invested in the three per cents. in the name of the Duke of Cornwall, and the dividends paid into the hands of the receiver of the duchy, and applied as part of the revenues of the duchy.

CXLVII. AND be it further enacted, that all and every sum and sums of money which shall be paid into the Bank of England under or by virtue of this Act on account of the duchy of Cornwall shall from time to time be laid out, by order of the council or commissioners of the revenues of his said royal Highness for the time being, in the purchase of three pounds per centum bank annuities in the name of the Duke of Cornwall, in which name the governor and company of the Bank of England are hereby authorized and required to permit transfers to be made of the annuities, funds, or stocks so to be purchased, and such transfers to be accepted by the receiver general of the duchy of Cornwall or his deputy for and in the name of the Duke of Cornwall, and the said receiver general or his deputy is hereby required to accept the same accordingly; and that all and singular the annuities so to be purchased and accepted shall remain invested in the name of the Duke of Cornwall, and shall not be transferred or transferable to any person or persons whomsoever, except in the manner herein-after described; and that all the dividends shall from time to time be paid by the said governor and company into the hands of the said receiver general of the duchy of Cornwall for the time being, or his deputy, and shall by force and virtue of this Act be deemed and taken by law to be part of the revenues of the said duchy of Cornwall, and shall be from time to time answered, accounted for, applied, and appropriated to such and the same uses and purposes as the revenues of the duchy of Cornwall now are or would hereafter have been liable to, and been applied and appropriated, in case the said first-recited Act or this Act had not been made.

The prince's council may transfer to the commissioners for reduction

CXLVIII. PROVIDED always, and be it further enacted, that it shall be lawful for the council or commissioners of the revenues of his said royal Highness for the time being, or any three or more of them, by warrant or

of the national debt stock necessary for redemption of the land tax on the lands of the duchy.

power of attorney under their hands and seal of office, from time to time to transfer to the commissioners for the reduction of the national debt so much of the capital stock vested in the name of the Duke of Cornwall arising from any sales made in pursuance of this Act as may be necessary for the redemption of the land tax charged upon any of the manors, messuages, lands, tenements, or other revenues belonging to and parcel of the said duchy of Cornwall.

The lands of the duchy shall thereupon, during the continuance of any demise, be exonerated from the land tax, which shall be considered as rent, and be recoverable from the lessees, and by them from their underlessees.

CXLIX. AND be it further enacted, that upon the redemption by the transfer of stock in the manner herein-before mentioned of any land tax charged upon any manors, messuages, lands, tenements, hereditaments, or other revenues belonging to and parcel of the said duchy of Cornwall, and upon the registry thereof in the manner herein directed, the manors, messuages, lands, tenements, hereditaments, or other revenues belonging to and parcel of the said duchy of Cornwall upon which such land tax shall have been charged shall thenceforth during the continuance of any demise be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof; and the amount of such land tax shall thenceforth during the continuance of any demise be considered as rent, and be recovered and recoverable as such by his said royal Highness the Prince of Wales and Duke of of Cornwall, his heirs and successors, against any lessee or lessees, or tenant or tenants, and by such lessee or lessees, or tenant or tenants, against his, her, or their under lessees or under tenants respectively.

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Where the whole of the land tax shall not before 24th June 1803 be redeemed by the persons having preference, the commissioners for executing this Act may contract with any other persons for sale of the part remaining unsold.

CLI. AND be it further enacted, that where the whole of the land tax charged on any county, riding, stewartry, city, borough, cinque port, town, or place in respect of the manors, messuages, lands, tenements, or hereditaments therein shall not before or on the twenty-fourth day of June one thousand eight hundred and three have been redeemed by the bodies politic or corporate, or companies, or other person or persons having the benefit of preference by virtue of the said recited Acts relating to the redemption of land tax or of this Act, but any part thereof shall then remain chargeable for the benefit of his Majesty, his heirs and successors, it shall be lawful for the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual for such county, riding, stewartry, city, borough, cinque port, town, or place to contract and agree with any other bodies politic or corporate, or companies, or person or persons, for the sale of the land tax so remaining unredeemed and then chargeable as aforesaid, or any parts or parcels thereof, upon the terms and conditions and in the manner herein-after directed; and all such rules, methods, regulations, and directions as are herein prescribed with respect to the redemption of land tax by any bodies politic or corporate, or companies, or other person or persons having such benefit of preference as aforesaid, shall be observed, practised, and put in execution with respect to sales of land tax by virtue of this Act, in so far as such rules, methods, regulations, and directions are respectively applicable thereto. [Rep., Stat. Law Rev. Act, 1872.]

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Persons desirous of purchasing shall produce a statement of the land tax proposed to be purchased to the commissioners of land tax or supply, or chief magistrate, who shall

CLIV. AND be it further enacted, that all and every bodies politic or corporate, or companies, or other person or persons desirous of purchasing the land tax charged upon any manors, messuages, lands, tenements, or hereditaments, shall make out and produce to any two of the commissioners of land tax acting in and for the hundred, ward, lathe, wapentake, rape, or other division of the county, riding, city, borough, cinque port, town, or place, if in England, or if in Scotland to the commissioners of supply of the county or stewartry or the chief magistrate of the city or burgh within which the same shall be situate, a schedule or statement in writing of the land tax proposed to be purchased, and of the manors, messuages, lands, tenements, or hereditaments whereon the same is charged; and the said commissioners of land tax or supply or chief magistrate respectively shall thereupon ascertain the amount of the land tax

proposed to be purchased, and the respective manors, messuages, lands, tenements, or hereditaments whereon the same is charged, and shall grant a certificate thereof in the form in the schedule to this Act annexed marked (A.) to the bodies politic or corporate, or companies, or other person or persons applying for the same; which certificate shall contain the description of such manors, messuages, lands, tenements, and hereditaments, distinguishing the parishes or places wherein the same may be situate, and also the name or names of the proprietor or proprietors and the occupier or occupiers thereof, and where such manors, messuages, lands, tenements, or hereditaments shall be separately assessed, shall distinguish the amount of each separate assessment of land tax; and such bodies politic or corporate, or companies, or other person or persons shall produce such certificate to the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, and where the land tax proposed to be purchased shall not exceed twenty-five pounds shall also give notice in writing to such commissioners whether the consideration is proposed to be in stock or money, and, if in money, then whether the same is proposed to be paid in one sum or by instalments, and also the day or days on which the same is proposed to be paid; and the said last-mentioned commissioners are hereby authorized and required to examine and amend such certificate, if necessary, and thereupon to cause notice in writing to be fixed on the church door of the parish or place where the manors, messuages, lands, tenements, or hereditaments the land tax whereon shall be so proposed to be purchased shall be situate, of the offer made to purchase such land tax, at least fourteen days before any contract shall be entered into by them for the sale thereof; and in case no other offer or offers shall be made within the said period of fourteen days by any other bodies politic or corporate, or companies, or other person or persons, to purchase such land tax for a higher price exceeding the price offered to be given by such first-mentioned bodies politic or corporate, or companies, or other person or persons by one pound per centum at the least upon the amount of the stock or money so offered to be transferred or paid as the price for the same, then and in such case it shall be lawful for the said last-mentioned commissioners to contract and agree with the bodies politic and corporate, or companies, and other person or persons first offering to purchase such land tax for the sale thereof according to the directions of this Act; but if any other bodies politic or corporate, or companies, or other person or persons shall within such period as aforesaid offer to purchase such land tax at a higher price exceeding the offer so first made by one pound per centum upon the amount of such stock or money at the least, then and in such case it shall be lawful for such commissioners and they are hereby required to contract and agree for the sale of such land tax to the bodies politic or corporate, or other person or persons who shall within such period offer the highest price for the purchase thereof; and the said commissioners shall cause to be inserted in every such contract the description of the manors, messuages, lands, tenements, or hereditaments, and other particulars relative thereto, herein-before directed to be inserted in such certificates; and upon the production of such contract at the Bank of England, in cases where the consideration shall be in stock, and upon the transfer to the commissioners for the reduction of the national debt of the three pounds per centum bank annuities to be transferred as the consideration for the purchase of such land tax, or of such proportion of such bank annuities as shall have been agreed to be transferred as the first instalment thereof, being not less than one fourth part of the whole amount of such bank annuities, and in cases where the consideration shall be in money then upon the production of such contract to the receiver general for the county, riding, or place in England, or his deputy, or the collector for the shire, stewartry, or place in Scotland, where the manors, messuages, lands, tenements, or hereditaments of which the land tax shall be so purchased shall be situate, and upon payment to such receiver general or his deputy or such collector of the sum or sums of money to be paid as the consideration for such purchase, every such body politic or corporate, or company, or other person or persons shall be entitled to the like certificates or receipts from the cashier or cashiers of the governor and company of the Bank of England, and from every receiver general or his deputy and collector, as herein-before is directed in cases of the transfer or payment of the consideration for the redemption of any land tax; and upon the registry of such contract, and also of the certificate of such commissioners of supply or chief magistrate as aforesaid, in the manner directed by this Act, the manors, messuages, lands, tenements, or hereditaments the land tax whereof shall be so purchased shall be wholly freed and exonerated from such land tax and all further assessments thereof, and all claims of his Majesty, his heirs and successors, in respect of the same, from the like periods as

ascertain and certify the amount according to schedule (A.); and upon production of certificate to the commissioners for executing this Act (who may amend the same) they shall cause notice of the offer to purchase to be fixed on the church door, and if within 14 days no offer higher by 1*l.* per cent. shall be made, they may contract for the sale, but if such higher offer shall be made, they shall contract with the party making it; and upon production of the contract at the Bank and transfer of the stock to be transferred or the first instalment thereof, or upon production of the contract to the receiver general in England or collector in Scotland and payment of the consideration in money, the party shall be entitled to certificates and receipts as in cases of redemption; and on registry of the contract and certificate the lands shall be exonerated from the land tax, and the purchaser shall be entitled to a fee-farm rent out of the lands equal to the land tax redeemed.

are herein directed in cases of redemption of land tax; but the respective purchasers of such land tax, and their heirs, successors, and assigns, shall from such period of exoneration be entitled to demand, have, and receive for their, his, or her own use for ever, and shall by virtue of this Act be adjudged, deemed, and taken to be in the actual seisin and possession of a yearly rent or sum as a fee-farm rent equal in amount to the land tax so purchased by him, her, or them, free of all charges and deductions whatever, to be issuing and payable out of the manors, messuages, lands, tenements, or hereditaments whereon the land tax so purchased was charged on the same days as such land tax was payable at the time of the purchase thereof; and such respective purchasers, their heirs, successors, and assigns shall have priority of security on such manors, messuages, lands, tenements, or hereditaments in respect of such annual sum or rent over every other incumbrance thereon, and shall have and enjoy all such powers, remedies, benefits, and advantages for the recovery thereof, whether by action, suit, distress, or otherwise, as landlords by law have or can enjoy for the recovery of rents reserved on leases: Provided always, that the sale of any such land tax, and the exoneration of the manors, messuages, lands, tenements, or hereditaments therefrom, shall not in any manner prejudice or affect the right or title of his Majesty, his heirs or successors, to any arrears of such land tax remaining unpaid up to the period of such exoneration, or prevent his Majesty, his heirs or successors, from using all such ways and means for recovering such arrears as his Majesty, his heirs or successors, could or might have used in case such land tax had not been sold. [Rep., Stat. Law Rev. Act, 1872.]

Sale of land tax not to affect the right of the King to arrears.

On the desire of the person beneficially interested in the lands, the commissioners may order the whole fee-farm rent to be paid out of a part only of the lands, so that the annual value of such part be equal to three times the rent;

CLV. PROVIDED always, and be it further enacted, that if any proprietor or proprietors, or person or persons beneficially interested in any manors, messuages, lands, tenements, or hereditaments, which shall stand settled or limited to or for the same uses, trusts, intents, or purposes, and in the same order and course of limitation, and be subject to the same charges, liens, and incumbrances, the land tax whereof shall have been purchased or shall be proposed to be purchased, shall be desirous that such land tax shall, after the purchase thereof, as a fee-farm rent, be paid and borne out of any particular part or parts only of the said manors, messuages, lands, tenements, or hereditaments, and shall give notice in writing of such his, her, or their desire to the said commissioners acting in the execution of this Act as last aforesaid, then and in such case it shall be lawful for the said commissioners to order and direct that the whole of such fee-farm rent, whether consisting of one or of several assessments of land tax, shall in future be paid and borne out of any part or parts only, and out of what part or parts of the said manors, messuages, lands, tenements, or hereditaments, of which the land tax shall be so proposed to be purchased as aforesaid; and in every such case the part or parts of such manors, messuages, lands, tenements, or hereditaments out of which such fee-farm rent shall be directed to be paid or borne shall from thenceforth be exclusively subject thereto, and to the several powers and remedies for the recovery thereof hereinbefore mentioned; and the rest of such manors, messuages, lands, tenements, or hereditaments shall from thenceforth for ever be wholly and absolutely freed and discharged as well from the fee-farm rent acquired by such purchase as from the land tax before charged thereon: Provided always, that the annual value to be let of the part or parts of any such manors, messuages, lands, tenements, or hereditaments which shall be so made exclusively subject to the payment of any such fee-farm rent as aforesaid shall not be less in amount than three times the amount of such fee-farm rent at the least: Provided also, that the parts or part of such manors, messuages, lands, tenements, or hereditaments which shall be so made exclusively subject to such fee-farm rent, and the part or parts discharged therefrom, shall be separately described and distinguished in the contract, or where the contract shall have been previously

such part to be separately described in the contract.

proposed to be purchased, and the respective manors, messuages, lands, tenements, or hereditaments whereon the same is charged, and shall grant a certificate thereof in the form in the schedule to this Act annexed marked (A.) to the bodies politic or corporate, or companies, or other person or persons applying for the same; which certificate shall contain the description of such manors, messuages, lands, tenements, and hereditaments, distinguishing the parishes or places wherein the same may be situate, and also the name or names of the proprietor or proprietors and the occupier or occupiers thereof, and where such manors, messuages, lands, tenements, or hereditaments shall be separately assessed, shall distinguish the amount of each separate assessment of land tax; and such bodies politic or corporate, or companies, or other person or persons shall produce such certificate to the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, and where the land tax proposed to be purchased shall not exceed twenty-five pounds shall also give notice in writing to such commissioners whether the consideration is proposed to be in stock or money, and, if in money, then whether the same is proposed to be paid in one sum or by instalments, and also the day or days on which the same is proposed to be paid; and the said last-mentioned commissioners are hereby authorized and required to examine and amend such certificate, if necessary, and thereupon to cause notice in writing to be fixed on the church door of the parish or place where the manors, messuages, lands, tenements, or hereditaments the land tax whereon shall be so proposed to be purchased shall be situate, of the offer made to purchase such land tax, at least fourteen days before any contract shall be entered into by them for the sale thereof; and in case no other offer or offers shall be made within the said period of fourteen days by any other bodies politic or corporate, or companies, or other person or persons, to purchase such land tax for a higher price exceeding the price offered to be given by such first-mentioned bodies politic or corporate, or companies, or other person or persons by one pound per centum at the least upon the amount of the stock or money so offered to be transferred or paid as the price for the same, then and in such case it shall be lawful for the said last-mentioned commissioners to contract and agree with the bodies politic and corporate, or companies, and other person or persons first offering to purchase such land tax for the sale thereof according to the directions of this Act; but if any other bodies politic or corporate, or companies, or other person or persons shall within such period as aforesaid offer to purchase such land tax at a higher price exceeding the offer so first made by one pound per centum upon the amount of such stock or money at the least, then and in such case it shall be lawful for such commissioners and they are hereby required to contract and agree for the sale of such land tax to the bodies politic or corporate, or other person or persons who shall within such period offer the highest price for the purchase thereof; and the said commissioners shall cause to be inserted in every such contract the description of the manors, messuages, lands, tenements, or hereditaments, and other particulars relative thereto, herein-before directed to be inserted in such certificates; and upon the production of such contract at the Bank of England, in cases where the consideration shall be in stock, and upon the transfer to the commissioners for the reduction of the national debt of the three pounds per centum bank annuities to be transferred as the consideration for the purchase of such land tax, or of such proportion of such bank annuities as shall have been agreed to be transferred as the first instalment thereof, being not less than one fourth part of the whole amount of such bank annuities, and in cases where the consideration shall be in money then upon the production of such contract to the receiver general for the county, riding, or place in England, or his deputy, or the collector for the shire, stewartry, or place in Scotland, where the manors, messuages, lands, tenements, or hereditaments of which the land tax shall be so purchased shall be situate, and upon payment to such receiver general or his deputy or such collector of the sum or sums of money to be paid as the consideration for such purchase, every such body politic or corporate, or company, or other person or persons shall be entitled to the like certificates or receipts from the cashier or cashiers of the governor and company of the Bank of England, and from every receiver general or his deputy and collector, as herein-before is directed in cases of the transfer or payment of the consideration for the redemption of any land tax; and upon the registry of such contract, and also of the certificate of such commissioners of supply or chief magistrate as aforesaid, in the manner directed by this Act, the manors, messuages, lands, tenements, or hereditaments the land tax whereof shall be so purchased shall be wholly freed and exonerated from such land tax and all further assessments thereof, and all claims of his Majesty, his heirs and successors, in respect of the same, from the like periods as

ascertain and certify the amount according to schedule (A.); and upon production of certificate to the commissioners for executing this Act (who may amend the same) they shall cause notice of the offer to purchase to be fixed on the church door, and if within 14 days no offer higher by 1*l.* per cent. shall be made, they may contract for the sale, but if such higher offer shall be made, they shall contract with the party making it; and upon production of the contract at the Bank and transfer of the stock to be transferred or the first instalment thereof, or upon production of the contract to the receiver general in England or collector in Scotland and payment of the consideration in money, the party shall be entitled to certificates and receipts as in cases of redemption; and on registry of the contract and certificate the lands shall be exonerated from the land tax, and the purchaser shall be entitled to a fee-farm rent out of the lands equal to the land tax redeemed.

and the incumbent or incumbents for the time being of such living or livings shall hold and enjoy such land tax, and all powers and remedies for the recovery thereof, in the same manner as if such land tax had been purchased by the said governors, and annexed to such living or livings in pursuance of this Act.

Gifts or devises of land tax redeemed or purchased for the augmentation of any living shall be valid.

CLXII. AND be it further enacted, that every gift or disposition of any land tax which shall have been redeemed under the provisions of the said recited Acts, or which shall be redeemed or purchased under the provisions of this Act, made by the person or persons entitled thereto by deed, will, or otherwise, for the augmentation of any living or livings whatever, shall be valid and effectual; and such land tax shall be held and enjoyed by or for the benefit of the incumbent or incumbents for the time being of the living or livings which shall be so augmented thereby, according to the tenor of such deed, will, or instrument of gift; any statutes of mortmain or other statute or law to the contrary notwithstanding.

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Contracts for redemption and purchase shall be registered with the proper officer, who shall make three duplicates of the amount of the land tax redeemed or purchased, and deliver one to the receiver general for the county or place, another to the commissioners of the land tax of the division, and another to the King's remembrancer.

CLXIV. AND be it further enacted, that every contract entered into in pursuance of this Act for the redemption or purchase of any land tax charged as aforesaid shall, before the transfer or payment of the second instalment of stock or money to be made thereon, or within three calendar months from the time of making the transfer or payment of stock or money thereon, in case the whole consideration shall be transferred at one time, be registered with the proper officer appointed or to be appointed for that purpose; which registers shall be made in books to be provided and kept by such officer, and the said officer is hereby required to make out three duplicates on parchment, fairly written, under his hand and seal, of the several amounts of the said land tax so redeemed or purchased and exonerated, distinguishing the several parishes and places where the same shall have been assessed, and to deliver or cause to be delivered one of such duplicates to the receiver general for the county, riding, or place where such land tax shall have been charged, and one other of such duplicates to the commissioners of land tax acting for the division where the parish or place in which such land tax shall have been charged is situated, and a like duplicate into the office of the King's remembrancer of the Exchequer, whenever the same shall be required.

Copies of the registers of contracts shall be evidence.

CLXV. AND be it further enacted, that every copy of the register of any contract made in pursuance of this Act and registered according to the directions thereof with the proper officer appointed for that purpose, which shall be signed by him, shall be allowed in all courts and places, and before all persons, to be good and sufficient evidence of such contract.

Where persons contracting to redeem, &c. die without completing contracts, the instalments shall be paid out of their assets as debts to his Majesty on record, and if the assets are deficient the contract may be

CLXVI. AND be it further enacted, that if any person who shall have entered into any contract for the redemption or purchase of any land tax by virtue of the said recited Acts or of this Act shall have died or shall die before the transfer or payment of all the instalments of the consideration contracted to be transferred or paid by him or her, without having made any provision by will or otherwise how the future instalments shall be made good, then and in such case the future instalments shall be paid out of the assets of the persons so dying as a debt to his Majesty upon record, and the executors or administrators of the person so dying, and the trustee or trustees, guardian or guardians, tutor or tutors, curator or curators of any infant, minor, or other

person entitled to the estate and effects of the person so dying, shall be indemnified against such infant or minor, and all other persons whomsoever, for making good the instalments necessary to complete the said contract; and if such executor or administrator, trustee, guardian, tutor, or curator shall not have assets for that purpose, then they shall and may and they are hereby respectively authorized and empowered to sell, assign, and dispose of the said contract: Provided always, that when the person so dying shall have contracted for such land tax under the benefit of preference given by the said recited Acts or this Act, without having the absolute estate or interest in the manors, messuages, lands, tenements, or hereditaments whereon the same was charged, and the person or persons having the next immediate beneficial estate or interest in succession, reversion, remainder, or expectancy, and which shall have become vested in possession by reason of the determination of the preceding estate or interest of the person so dying, or his, her, or their guardian or guardians, or tutor or tutors, in cases of infancy, or committee or committees, or curator or curators, in cases of lunacy, shall be desirous of taking an assignment of such contract in order to complete the same, then and in such case it shall be lawful for the executors or administrators of the person so dying to sell and assign such contract to the person or persons whose estates shall so have become vested in possession, or the guardian or guardians, tutor or tutors, committee or committees, curator or curators of such person or persons on his, her, or their behalf, whether such executors or administrators shall have in their hands assets of the deceased person or not: Provided also, that the person or persons to whom such contract shall be assigned shall be bound to complete the same upon the same terms and conditions, by the same instalments, and at the same periods, and in the same manner, and have and be entitled to the same benefits and advantages as the person so dying would have been bound to complete the same or would have been entitled to in case he or she had been then living: Provided always, that the respective Courts of Exchequer or the commissioners for the affairs of taxes may in all such cases give the like relief, by enlarging the time for making good any future instalment or instalments, as they are hereby authorized to do in cases of forfeiture through the default of the party.

sold; but if the contract was made by a person not having the absolute estate, and the person taking the next estate and becoming entitled in possession shall be desirous of taking the contract, it may be assigned to him, whether there are assets or not.

Persons to whom contracts are assigned shall be bound to complete them upon the original terms.

The time for payment of instalments may be enlarged.

CLXVII. AND be it further enacted, that if any person or persons, after entering into any such contract as aforesaid for the redemption or purchase of any land tax, shall afterwards neglect or refuse to complete the same by the due and regular transfer or payment of the consideration (whether by instalments or otherwise) agreed to be made thereon, then and in every such case, and immediately after default shall be made in the transfer or payment of such consideration or any part thereof, such contract shall become null and void, and the whole of the land tax so contracted for shall be revived and again become chargeable on the manors, messuages, lands, tenements, or hereditaments whereon the same was charged prior to such contract, and such land tax (whether the same shall have been redeemed or purchased) shall be again assessed, raised, levied, and collected for the use of his Majesty, his heirs and successors, or be again sold by the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, in the same manner as if such contract had not been entered into; and the person or persons so making default shall for the nonperformance of the contract be

If default be made in fulfilling any contract the land tax shall revive, and be again re-assessed or sold, and the defaulter shall be subject to a penalty not exceeding one sixteenth of the consideration.

subject to a penalty not exceeding one sixteenth part of the consideration agreed to be transferred or paid on such contract; and in cases where the consideration to be transferred shall be three pounds per centum consolidated bank annuities, and no part thereof shall have been transferred, the amount of the penalty shall be the value of such sixteenth part of the consideration, according to the average price of three pounds per centum consolidated bank annuities on the day on which the transfer of such consideration, or the first instalment thereof, ought to have been made; or in case the books for entering transfers of such annuities shall then be shut, then according to the average price of three pounds per centum reduced bank annuities on such day.

Where land tax shall revive, the commissioners of land tax or supply or chief magistrate shall, within six months, deliver a schedule to the receiver general, and transmit a duplicate to the King's remembrancer if in England, or barons of Exchequer if in Scotland, specifying the amount, &c.

CLXVIII. AND be it further enacted, that where any land tax shall have been or shall be revived and again become chargeable on any manors, messuages, lands, tenements, or hereditaments by virtue of the said recited Acts or of this Act, the commissioners of land tax or supply acting in and for the division or place, county or stewartry, or the chief magistrate of the city or borough within which such manors, messuages, lands, tenements, or hereditaments shall be situate, or any three of them, shall and they are hereby required, within six calendar months after such land tax shall be so revived, to deliver or cause to be delivered a schedule or duplicate in parchment under their hands and seals to the receiver general for the county, riding, division, or place, if in England, or his deputy, or to the receiver general, if in Scotland, and shall transmit or cause to be transmitted a like schedule or duplicate into the King's remembrancer's office, if in England, and to the barons of the Exchequer if in Scotland, which schedule or duplicate shall contain and specify the amount of the land tax so revived and again become chargeable, and the year in which and the period from whence such land tax shall have been revived; and in case such land tax shall have become revived from any period preceding the commencement of the year in and for which such schedule or duplicate shall be made out as aforesaid, such schedule or duplicate shall also contain and specify the amount of the arrears of such land tax up to the commencement of such year as aforesaid, distinguishing the amount of the land tax so revived and again become chargeable from the amount of such arrears as aforesaid.

Where contracts shall become forfeited, the Courts of Exchequer may enlarge the time for making instalments, and grant such relief as shall appear reasonable; and, where the penalty shall not exceed 50*l.*, the commissioners for taxes, with the approbation of the Treasury, may do so.

CLXIX. AND be it further enacted, that where any contract shall become forfeited, it shall be lawful for the Courts of Exchequer in England and Scotland respectively, on the application of the person or persons who shall have incurred such penalty as aforesaid, or any other person or persons who may be prejudiced by such default, by petition to be preferred in a summary way, stating the grounds of such application, to enlarge the time for making good any subsequent instalment or instalments, and to grant such relief to the party or parties as to the said courts respectively shall seem meet, upon payment of all costs, and upon such other terms and conditions as to such courts respectively shall appear reasonable: Provided always, that where the amount or value of the penalty incurred shall not exceed the sum of fifty pounds of lawful money of Great Britain it shall be lawful for the commissioners for the affairs of taxes (with the approbation of the commissioners of his Majesty's Treasury) to enlarge the time for making good any such subsequent instalment or instalments, or to grant such other relief to the party or parties as to the said commissioners for the affairs of taxes (with such approbation as aforesaid) shall seem meet.

person entitled to the estate and effects of the person so dying, shall be indemnified against such infant or minor, and all other persons whomsoever, for making good the instalments necessary to complete the said contract; and if such executor or administrator, trustee, guardian, tutor, or curator shall not have assets for that purpose, then they shall and may and they are hereby respectively authorized and empowered to sell, assign, and dispose of the said contract: Provided always, that when the person so dying shall have contracted for such land tax under the benefit of preference given by the said recited Acts or this Act, without having the absolute estate or interest in the manors, messuages, lands, tenements, or hereditaments whereon the same was charged, and the person or persons having the next immediate beneficial estate or interest in succession, reversion, remainder, or expectancy, and which shall have become vested in possession by reason of the determination of the preceding estate or interest of the person so dying, or his, her, or their guardian or guardians, or tutor or tutors, in cases of infancy, or committee or committees, or curator or curators, in cases of lunacy, shall be desirous of taking an assignment of such contract in order to complete the same, then and in such case it shall be lawful for the executors or administrators of the person so dying to sell and assign such contract to the person or persons whose estates shall so have become vested in possession, or the guardian or guardians, tutor or tutors, committee or committees, curator or curators of such person or persons on his, her, or their behalf, whether such executors or administrators shall have in their hands assets of the deceased person or not: Provided also, that the person or persons to whom such contract shall be assigned shall be bound to complete the same upon the same terms and conditions, by the same instalments, and at the same periods, and in the same manner, and have and be entitled to the same benefits and advantages as the person so dying would have been bound to complete the same or would have been entitled to in case he or she had been then living: Provided always, that the respective Courts of Exchequer or the commissioners for the affairs of taxes may in all such cases give the like relief, by enlarging the time for making good any future instalment or instalments, as they are hereby authorized to do in cases of forfeiture through the default of the party.

sold; but if the contract was made by a person not having the absolute estate, and the person taking the next estate and becoming entitled in possession shall be desirous of taking the contract, it may be assigned to him, whether there are assets or not.

Persons to whom contracts are assigned shall be bound to complete them upon the original terms.

The time for payment of instalments may be enlarged.

CLXVII. AND be it further enacted, that if any person or persons, after entering into any such contract as aforesaid for the redemption or purchase of any land tax, shall afterwards neglect or refuse to complete the same by the due and regular transfer or payment of the consideration (whether by instalments or otherwise) agreed to be made thereon, then and in every such case, and immediately after default shall be made in the transfer or payment of such consideration or any part thereof, such contract shall become null and void, and the whole of the land tax so contracted for shall be revived and again become chargeable on the manors, messuages, lands, tenements, or hereditaments whereon the same was charged prior to such contract, and such land tax (whether the same shall have been redeemed or purchased) shall be again assessed, raised, levied, and collected for the use of his Majesty, his heirs and successors, or be again sold by the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, in the same manner as if such contract had not been entered into; and the person or persons so making default shall for the nonperformance of the contract be

If default be made in fulfilling any contract the land tax shall revive, and be again re-assessed or sold, and the defaulter shall be subject to a penalty not exceeding one sixteenth of the consideration.

Bank, as they would have been had the annuities not been transferred to the commissioners for reduction of the national debt.

at the Bank of England, for and in respect of the said bank annuities which shall have been or shall be re-transferred by the commissioners for the reduction of the national debt to any bodies politic or corporate, or companies, or other person or persons as aforesaid, as would have been payable thereon in case the same bank annuities had not been transferred to the said last-mentioned commissioners.

No contract, assignment, copy of register, certificate, transfer, letter of attorney, nor affidavit, under this or the recited Acts, liable to stamp duty.

CLXXIII. AND be it further enacted, that no contract entered into for the redemption or purchase of any land tax, nor any assignment of any such contract or land tax, by virtue of the said recited Acts or this Act, nor any copy of the register thereof, nor any certificate or receipt which shall be given by virtue of the said recited Acts or of this Act, nor any transfer of any stock in the funds which shall be made by virtue of the said recited Acts or of this Act to the commissioners for the reduction of the national debt, nor any letter of attorney authorizing any person or persons to transfer any such stock to the said commissioners, or to accept any such stock previously to and for the purpose of transferring the same to them, nor any affidavits whatever to be made in pursuance of the said recited Acts or of this Act, shall be liable to any stamp duty whatever.

Where the collectors of the land tax in Scotland shall not have entered into bonds as directed by 39 Geo. 3. c. 40., they shall within a limited time enter into such bonds as the barons of the Exchequer shall require for paying the monies they receive to the receiver general for Scotland, to whom such bonds or extracts thereof shall be delivered.

CLXXIV. AND be it further enacted, that where the respective collectors of cess or land tax appointed or to be appointed in the several shires, stewartries, cities, burghs, and places in Scotland, shall act in pursuance of the said recited Act of the thirty-ninth year of his present Majesty's reign for amending so much of the said three first-recited Acts as relates to Scotland, shall not have entered into such bonds to the respective commissioners as are therein mentioned, such collectors respectively shall within forty days after the passing of this Act, or after they shall be so respectively appointed, as the case may be, and before they or any of them shall receive any monies to be paid as the consideration for the redemption or purchase of any land tax in pursuance of this Act, enter into bonds to the said respective commissioners for the purposes of this Act, or any three or more of them, in such shires, stewartries, cities, burghs, and places, with such good and sufficient caution as the barons of the Exchequer in Scotland shall require, binding him or them, and his or their sureties, conjunctly and severally, for his and their duly paying to the receiver general for Scotland at Edinburgh, at such times after the receipt thereof as the said barons shall direct, to be inserted in such bonds, all such sum and sums of money as shall be paid to them in pursuance of the said recited Acts or either of them, or this Act, for the redemption or purchase of any land tax, under a penalty of two hundred pounds sterling, over and above performance, and which bonds the said commissioners, or any three or more of them, are hereby authorized and required to take; and the said respective commissioners shall forthwith cause the said bonds to be delivered to the receiver general at Edinburgh, or, not being delivered to such receiver general, shall cause the same to be registered in the books of council and session, and extracts thereof to be delivered to the said receiver general at Edinburgh; and all such bonds already entered into by such collectors or their respective sureties as are now in force shall continue in force for the purposes of this Act, in like manner as if the same had been respectively entered into after the passing of this Act. [Rep., Stat. Law, Rev. Act, 1872.]

Bonds already entered into shall continue in force.

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Where any such collector does not duly pay the money to the receiver general he may present the bond to the barons of Exchequer, with a petition praying process

CLXXVI. AND be it further enacted, that in every case where any such collector or collectors shall fail or neglect to pay over to the said receiver general at Edinburgh, or his deputy or deputies, any such sum or sums of money within such number of days after the same shall be received by him or them as aforesaid as shall be specified in the bond entered into by such collector or collectors as aforesaid, the said receiver general, or his deputy or deputies, may present the bond, or an extract thereof, to any one or more of the barons of the Court of Exchequer in Scotland, with a petition stating the sum due and

CLXX. AND be it further enacted, that where any contract made under and by virtue of this Act shall have become null and void as aforesaid, and no prosecution for the penalty shall have been brought, it shall be lawful for the commissioners for the reduction of the national debt, and for the receivers general in England and collectors in Scotland respectively, and they are hereby required, in cases where any instalment or instalments shall have been transferred or paid on such contract, to reserve to the use of the public such part of the consideration under such contract as shall be equal to the penalty incurred, and on demand thereof made to transfer or pay the remainder thereof to the bodies politic or corporate, or companies, or other person or persons interested in such stock or money, their, his, or her successors, executors, administrators, or assigns.

Where any contract has become void, and the penalty has not been sued for, the commissioners for reduction of the national debt, &c. shall reserve out of any instalments paid a sum equal to the penalty, and transfer the balance to the parties entitled.

CLXXI. AND be it further enacted, that where any bodies politic or corporate, or companies, or other person or persons have transferred or may hereafter transfer to the commissioners for the reduction of the national debt, on account of the redemption of land tax, any consolidated or reduced three pounds per centum bank annuities which ought not to be transferred for that purpose, or have paid or shall hereafter pay into the Bank of England any sum or sums of money by way of interest which ought not to have been so paid, then and in such case, upon a certificate signed by any three or more of the commissioners for the affairs of taxes that such bank annuities ought not to have been so transferred or that such monies ought not to have been so paid, it shall be lawful for the said commissioners for the reduction of the national debt, or any one or more of them, or for the governor and company of the Bank of England, as the case shall require, and they respectively are hereby required, to re-transfer the said bank annuities, or to repay out of any monies in the hands of such governor and company on account of interest under this Act the said monies unto the bodies politic or corporate, or companies, or other person or persons by whom or on whose account the same were transferred or paid to them respectively; and wherever it shall appear to the satisfaction of the said commissioners for the affairs of taxes that any sum or sums of money shall have been paid to any receiver general or his deputy on account of the redemption of land tax or on account of interest which ought not to have been so paid, then it shall be lawful for the said commissioners for the affairs of taxes, or any three or more of them, to order and direct such receiver general or his deputy to repay all such monies to the bodies politic or corporate, or companies, or other person or persons who shall appear to have paid the same; and the receipt and receipts of such bodies politic or corporate, or companies, and other person or persons, shall be sufficient discharges for such bank annuities so re-transferred or monies so repaid as aforesaid.

Where stock has been improperly transferred, or money improperly paid to the Bank by way of interest, the stock shall be re-transferred, or the money repaid upon certificate from the commissioners for taxes, who may also direct receivers general to repay monies improperly paid to them.

CLXXII. AND be it further enacted, that where any bank annuities shall have been or shall be transferable to any bodies politic or corporate, or companies, or other person or persons under the order and direction of the commissioners acting in the execution of this Act by virtue of his Majesty's letters patent under the great seal, or the commissioners for the affairs of taxes respectively, or without any such order or direction, in cases where any contract shall have become null and void, all such dividends or arrears of dividend shall be issued from the receipt of the Exchequer, and be payable

Where bank annuities shall be transferable to any person, &c. on contracts becoming void, or otherwise, the dividends shall be issued from the Exchequer and payable at the

Bank, as they would have been had the annuities not been transferred to the commissioners for reduction of the national debt.

at the Bank of England, for and in respect of the said bank annuities which shall have been or shall be re-transferred by the commissioners for the reduction of the national debt to any bodies politic or corporate, or companies, or other person or persons as aforesaid, as would have been payable thereon in case the same bank annuities had not been transferred to the said last-mentioned commissioners.

No contract, assignment, copy of register, certificate, transfer, letter of attorney, nor affidavit, under this or the recited Acts, liable to stamp duty.

CLXXIII. AND be it further enacted, that no contract entered into for the redemption or purchase of any land tax, nor any assignment of any such contract or land tax, by virtue of the said recited Acts or this Act, nor any copy of the register thereof, nor any certificate or receipt which shall be given by virtue of the said recited Acts or of this Act, nor any transfer of any stock in the funds which shall be made by virtue of the said recited Acts or of this Act to the commissioners for the reduction of the national debt, nor any letter of attorney authorizing any person or persons to transfer any such stock to the said commissioners, or to accept any such stock previously to and for the purpose of transferring the same to them, nor any affidavits whatever to be made in pursuance of the said recited Acts or of this Act, shall be liable to any stamp duty whatever.

Where the collectors of the land tax in Scotland shall not have entered into bonds as directed by 39 Geo. 3. c. 40., they shall within a limited time enter into such bonds as the barons of the Exchequer shall require for paying the monies they receive to the receiver general for Scotland, to whom such bonds or extracts thereof shall be delivered.

CLXXIV. AND be it further enacted, that where the respective collectors of cess or land tax appointed or to be appointed in the several shires, stewartries, cities, burghs, and places in Scotland, shall act in pursuance of the said recited Act of the thirty-ninth year of his present Majesty's reign for amending so much of the said three first-recited Acts as relates to Scotland, shall not have entered into such bonds to the respective commissioners as are therein mentioned, such collectors respectively shall within forty days after the passing of this Act, or after they shall be so respectively appointed, as the case may be, and before they or any of them shall receive any monies to be paid as the consideration for the redemption or purchase of any land tax in pursuance of this Act, enter into bonds to the said respective commissioners for the purposes of this Act, or any three or more of them, in such shires, stewartries, cities, burghs, and places, with such good and sufficient caution as the barons of the Exchequer in Scotland shall require, binding him or them, and his or their sureties, conjunctly and severally, for his and their duly paying to the receiver general for Scotland at Edinburgh, at such times after the receipt thereof as the said barons shall direct to be inserted in such bonds, all such sum and sums of money as shall be paid to them in pursuance of the said recited Acts or either of them, or this Act, for the redemption or purchase of any land tax, under a penalty of two hundred pounds sterling, over and above performance, and which bonds the said commissioners, or any three or more of them, are hereby authorized and required to take; and the said respective commissioners shall forthwith cause the said bonds to be delivered to the receiver general at Edinburgh, or, not being delivered to such receiver general, shall cause the same to be registered in the books of council and session, and extracts thereof to be delivered to the said receiver general at Edinburgh; and all such bonds already entered into by such collectors or their respective sureties as are now in force shall continue in force for the purposes of this Act, in like manner as if the same had been respectively entered into after the passing of this Act. [Rep., Stat. Law, Rev. Act, 1872.]

Bonds already entered into shall continue in force.

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Where any such collector does not duly pay the money to the receiver general he may present the bond to the barons of Exchequer, with a petition praying process

CLXXVI. AND be it further enacted, that in every case where any such collector or collectors shall fail or neglect to pay over to the said receiver general at Edinburgh, or his deputy or deputies, any such sum or sums of money within such number of days after the same shall be received by him or them as aforesaid as shall be specified in the bond entered into by such collector or collectors as aforesaid, the said receiver general, or his deputy or deputies, may present the bond, or an extract thereof, to any one or more of the barons of the Court of Exchequer in Scotland, with a petition stating the sum due and

much of the said land tax as shall have been redeemed or purchased, anything herein contained to the contrary notwithstanding.

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The whole of the land tax charged on any place shall be inserted in the certificate of assessment, so long as any part shall remain payable either to his Majesty, or any persons who shall have redeemed any land tax, and declared an option to be considered as persons not interested; and all lands not exonerated shall continue subject to a yearly assessment not exceeding 4*s.* in the pound, which shall be raised, &c. as directed by 38 G. 3. c. 5.

CLXXX. AND be it further enacted, that the whole of the land tax charged on any parish or place shall (notwithstanding the discharge of any part thereof) continue to be inserted in the certificates of assessment to be signed by the commissioners of the land tax so long as any part of the proportion of land tax charged and chargeable in such parish or place shall remain payable in such parish or place, either to his Majesty, his heirs or successors, or to any person or persons who shall have redeemed any land tax by virtue of the said recited Acts or any of them, and shall have declared an option in their contracts respectively to be considered on the same footing as persons not interested; and that all such manors, messuages, lands, tenements, or hereditaments which shall not have been exonerated by virtue of the said recited Acts or of this Act from the land tax shall continue subject to a new assessment yearly and from year to year, by an equal rate, according to the annual value of such manors, messuages, lands, tenements, or hereditaments, not exceeding in one year the rate of four shillings in the pound on such annual value; and that such part of the said land tax which shall remain payable as aforesaid in any parish or place shall be raised, levied, collected, and received in such and the like form and manner, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as if the manors, messuages, lands, tenements, or hereditaments charged with the land tax so remaining payable as aforesaid formed an entire parish or place, and as are prescribed, directed, and appointed by the said Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax with respect to the quota of each parish or place: Provided always, that upon the delivery of the certificates and precepts to the several collectors for the raising, levying, collecting, and recovering such part of the said land tax as shall so remain payable in such parish or place the said collectors shall be directed to return in their schedule to the receiver general for the county, riding, or place the amount of the land tax which shall have been redeemed in such parish or place, and from the payment of which such parish or place shall have been exonerated: Provided also, that if any such lands, tenements, or hereditaments are situated in Scotland, the same shall continue subject to a new assessment yearly and from year to year, according to the rates and in the manner established by law or custom in that country.

On delivery of the certificates and precepts to the collectors, they shall be directed to return in their schedule to the receiver general the amount of the land tax redeemed.

In Scotland such lands shall be subject to a new yearly assessment as established by law or custom there.

If any assessment shall exceed 4*s.* in the pound it shall be subject to an abatement as directed by 38 G. 3. c. 5., and duplicates of the assessment, specifying such abatement, shall be transmitted to the receiver general, the

CLXXXI. AND be it further enacted, that if any assessment of land tax which shall continue to be charged in pursuance of this Act shall at any time hereafter be found to exceed the rate of four shillings in the pound on the annual value of the manors, messuages, lands, tenements, or hereditaments whereon the same shall be charged, such land tax shall be subject to an abatement in the manner in such cases directed by the said Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by land tax; and that after such abatement made an assessment specifying such abatement shall be made thereof accordingly, and the commissioners making such assessment shall cause duplicates thereof to be returned to the said receivers general, the commissioners for the affairs of taxes, and the offices of

the King's remembrancer at Westminster and Edinburgh respectively, and in the manner therein directed in other cases of assessments.

commissioners for taxes, and the office of the King's remembrancer.

CLXXXII. AND be it further enacted, that whenever in any parish or place separately assessed to the land tax the whole of the land tax charged upon the manors, messuages, lands, tenements, or hereditaments in such parish or place shall have been redeemed or purchased, and all the manors, messuages, lands, tenements, or hereditaments therein shall be exonerated, under and by virtue of the said recited Acts or of this Act, from the payment of any sum or sums of money as land tax, all assessments in such parish or place by virtue of this Act shall cease and determine.

Whenever in any place separately assessed the whole of the land tax shall have been redeemed the assessments shall cease.

CLXXXIII. AND be it further enacted, that it shall be lawful for the commissioners of his Majesty's Treasury, or any three or more of them, or the lord high treasurer for the time being, to order and direct any sum or sums of money to be issued and paid out of any monies in the hands of any receiver or receivers, or any public monies in the Exchequer, or any aids or supplies granted or to be granted by Parliament for the service of the year in which such expenses shall be incurred, for the payment of the allowances herein-after directed to the commissioners for the time being acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, and also for the payment of salaries to any secretaries, clerks, and other officers acting in the execution thereof, and for discharging such incidental expenses as shall necessarily attend the execution of this Act, in such manner as the said commissioners of the Treasury, or any three or more of them, or the lord high treasurer shall from time to time think fit and reasonable in that behalf: Provided always, that no greater sum shall be paid to the said commissioners so acting in the execution of this Act as aforesaid than after the rate of threepence in the pound on the amount of the land tax sold by them, to be paid to and amongst them in equal proportions: Provided also, that an account of all such expenses shall be annually laid before Parliament: Provided also, that such expenses shall not be liable to account otherwise than before the said commissioners of the Treasury or lord high treasurer for the time being.

Treasury may pay salaries and expenses out of money in the hands of any receiver, &c., but the commissioners shall not be paid more than 3*d.* in the pound on the land tax sold.

Account of expenses to be laid before Parliament.

CLXXXIV. AND be it further enacted, that whenever any notice required to be given by this Act cannot be delivered to the person or persons to whom such notice is directed it shall be sufficient for the party obliged to give such notice to leave the same at the last or most usual place of abode of the person or persons to whom such notice is given, if such person or persons shall be in Great Britain, or if such person or persons shall be beyond the seas, then to publish the same in the London Gazette: . . . . . .

Notices left at the last or most usual places of abode of persons in Great Britain, or published in the London Gazette, if the persons be beyond the seas, shall be sufficient.

CLXXXV. AND be it further enacted, that the acceptance of any commission from his Majesty in pursuance of the said recited Acts or any of them, or of this Act, shall not vacate the seat of any person returned to serve in Parliament, nor shall the election of any person who hath accepted or who shall accept any such commission be in any manner impeached thereby or made void, any law or statute to the contrary notwithstanding: Provided always, that the acceptance of the office of a commissioner for the redemption or sale of land tax under the said recited Acts or this Act shall not, by reason of any allowance for executing the same, be deemed, taken, or construed to be a place or employment of profit under his Majesty, notwithstanding the appoint-

Commissions under this or recited Acts shall not vacate seats in Parliament, nor shall the office of a commissioner for redemption or sale of the land tax be

deemed a place of profit under his Majesty.

ment shall be by warrant under the royal sign manual, but that the same shall be deemed, taken, and construed to be a place or employment under the authority of this Act to all intents and purposes, and shall not impeach any claim or title which such commissioners may have to any other allowance whatever under his Majesty.

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Two commissioners for reduction of the national debt may act for the purposes of this Act.

CLXXXVIII. AND be it further enacted, that it shall and may be lawful for any two of the commissioners for the reduction of the national debt for the time being to execute and do all matters and things which by this Act the commissioners for the reduction of the national debt are required and empowered to do.

How penalties to the party aggrieved shall be recovered.

CLXXXIX. AND be it further enacted, that all penalties and forfeitures to be sued for by the party aggrieved, by virtue of this Act, shall and may be sued for by action of debt or on the case in any of his Majesty's courts of law in England and Scotland respectively holding pleas to the amount of forty shillings, in which action or suit the plaintiff or plaintiffs shall be entitled to his, her, or their full costs as in other cases in the said courts; and that one moiety of all pecuniary penalties and forfeitures hereby imposed other than to the party aggrieved, where the amount or value of the same shall exceed the sum of fifty pounds of lawful money of Great Britain, shall, if sued for within the space of six calendar months from the time of such penalties or forfeitures being incurred, be to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid, and which shall and may be sued for in his Majesty's Court of Exchequer at Westminster for offences committed in England, or in his Majesty's Courts of Exchequer in Scotland for offences committed in Scotland, by action of debt, bill, plaint, or information, where no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed; but nevertheless it shall be lawful for his Majesty's attorney general in England, or his Majesty's advocate in Scotland, in case it shall appear to his satisfaction that any such last-mentioned penalty or forfeiture was incurred without intention of fraud, to stay all further proceedings by entering a noli prosequi or otherwise, with respect as well to the share of such penalty or forfeiture claimed by such informer or informers, as to the share thereof belonging to his Majesty.

How penalties above 50*l.* (other than to the party aggrieved) shall be recovered and applied, if sued for within six months.

Attorney general in England, or King's advocate in Scotland, may stay proceedings.

Penalties not exceeding 50*l.* (other than to the party aggrieved) may be sued for before two justices, who may issue their warrant for levying the same on the goods of the party, and may commit him to prison for six months for want of sufficient distress.

CXC. PROVIDED always, and be it further enacted, that in all cases where the amount or value of any penalties or forfeitures (other than to the party aggrieved) already incurred under the said recited Acts or to be incurred under this Act shall not exceed the sum of fifty pounds of lawful money of Great Britain, it shall be lawful for any two justices of the peace for the county, riding, division, or place, wherein the party incurring such penalty or forfeitures shall reside, to hear and determine any matter subjecting such party to any such penalty or forfeiture as aforesaid under the said recited Acts or this Act; which said justices of the peace are hereby authorized and required, upon any information exhibited, to summon the party and also the witnesses on either side, and examine into the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by oath of one or more

credible witness or witnesses, to give judgment for the penalty or forfeiture according to the provisions of this Act, and to award and issue their warrant under their hands and seals for the levying any such penalty or forfeiture so adjudged on the goods of the party incurring the same, and to cause sale to be made thereof in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where the goods of such party cannot be found sufficient to answer the penalty, to commit him or her to prison, there to remain for six months, unless such penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgment of any such justices, then he, she, or they shall and may (upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgment shall be affirmed,) appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgment of such justices shall be affirmed, it shall be lawful for such justices of the peace at their general quarter sessions to award the person or persons to pay the costs occasioned by such appeal, as to them shall seem meet: Provided always, that if the next general quarter sessions of the peace shall fall within six days after such conviction it shall and may be lawful for the person so convicted, if he shall think fit (giving such security as aforesaid), to appeal to the next subsequent quarter sessions.

Parties aggrieved may appeal to the next quarter sessions, who shall finally determine the matter, and may award costs.

If the next quarter sessions shall be within six days after conviction, appeal may be made to the subsequent sessions.

CXCI. AND be it further enacted, that if any person or persons shall be summoned as a witness or witnesses to give evidence before such justices of the peace touching any of the matters relative to the said recited Acts or this Act, either on the part of the person informing or the person or persons incurring such penalty or forfeiture, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for, such his, her, or their neglect or refusal, to be allowed of by such justices of the peace, or appearing shall refuse to be examined on oath and give evidence before such justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of forty shillings, to be levied and paid in such manner and by such means as are herein-before directed.

Witnesses neglecting to appear or refusing to give evidence before such justices shall forfeit 40*s*.

CXCII. PROVIDED also, and be it further enacted, that in default of prosecution within the time herein-before limited no such penalty or forfeiture, other than to the party aggrieved, shall be afterwards recoverable, except in the name of his Majesty's attorney general in England and of his Majesty's advocate in Scotland, by information in the Courts of Exchequer in England or Scotland respectively, in which case the whole of such penalty or forfeiture shall belong to his Majesty, his heirs and successors; and that all penalties and forfeitures and shares of penalties and forfeitures incurred as aforesaid, belonging to his Majesty, his heirs or successors, shall be paid into the hands of such person or persons as the commissioners for the affairs of taxes shall appoint to receive the same, to the use of his Majesty; and that in all cases where the whole of such pecuniary penalties or forfeitures shall be recovered to the use of his Majesty, his heirs or successors, it shall be lawful for the

After six months penalties (other than to the party aggrieved) shall be recoverable only in the name of the attorney general in England or the King's advocate in Scotland, and shall belong to his Majesty. All penalties belonging to his Majesty shall be paid as shall be di-

rected by the commissioners for taxes; and where the whole penalty shall belong to his Majesty, the commissioners may reward the informer.

said commissioners to cause such reward as they shall think fit, not exceeding one moiety of such penalty or forfeiture so recovered, after deducting all charges and expenses incurred in recovering the same, to be paid thereout to or amongst any person or persons who shall appear to them entitled thereto as informers in respect of such penalties or forfeitures so recovered, anything herein contained to the contrary notwithstanding.

Persons giving false evidence or swearing falsely shall be deemed guilty of perjury.

CXCIII. AND be it further enacted, that if any person upon examination upon oath or affirmation before any of the said commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, or in any affidavit, deposition, or affirmation before any mayor, magistrate, or justice of the peace in Great Britain, or before any commissioners or persons who are or shall be authorized to take affidavits in causes depending in any courts at Westminster, in any manner relating to the execution of this Act, shall wilfully or corruptly give false evidence, or shall in any such affidavit, deposition, or affirmation wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any laws now in being any persons convicted of wilful and corrupt perjury are subject and liable to.

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Land tax commissioners, being justices, shall be commissioners for hearing appeals under this Act.

CXCVI. AND be it further enacted, that the several persons who are or shall be named or appointed commissioners of land tax, in or by any Act or Acts now in force or hereafter to be passed, to carry into execution the said Act of the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax before mentioned, or this Act, in any county, riding, or place, such persons being also justices of the peace of and for the same county, riding, or place, and not being persons appointed to be commissioners for the purposes of this Act by his Majesty's warrant under the royal sign manual as aforesaid, shall be commissioners for the purpose of hearing appeals to be made by virtue of this Act for the division of the county or riding or the district within which they usually act as commissioners of land tax and justices of the peace as aforesaid.

Persons aggrieved as to any proceedings for redemption or sale of land tax (where the consideration for redemption, &c. would not exceed 500*l.* stock) may appeal to the commissioners of appeal at the next petty sessions, whose order shall be final.

CXCVII. AND be it further enacted, that if any person or persons shall think himself, herself, or themselves aggrieved by any determination of the commissioners acting in the execution of this Act by virtue of his Majesty's warrant under the royal sign manual, with relation to any right or benefit of preference in or any right of redemption of any land tax to be sold by virtue of this Act, or with relation to the sale or mortgage of any messuages, lands, tenements, or hereditaments, or the grant of any rentcharge thereout, for any of the purposes of this Act, with relation to the redemption or purchase of any land tax for the redemption or purchase of which not more than five hundred pounds capital stock in the three pounds per centum bank annuities would be transferred in the whole if such land tax was redeemed or purchased, it shall be lawful for such person or persons in every such case to appeal to the commissioners appointed by this Act for the purpose of hearing appeals at the next petty sessions held by them within and for the division or district within which such land tax or any proportion thereof shall be charged; and the said commissioners, or any two or more of them, shall and they are hereby

authorized and required to hear and determine all such appeals at any petty sessions to be by them appointed from time to time, as there shall be occasion; and on due consideration of all the circumstances attending the case upon which such appeal shall arise, and on examination upon oath or affirmation of the parties interested in such appeal, and all other persons who shall be willing to be examined touching any matters or things relating to the matter in dispute as aforesaid, which oath or affirmation they or any two or more of such commissioners are hereby authorized to administer, and on the production, upon oath or affirmation as aforesaid, of any deeds, conveyances, or instruments, or upon the production of any affidavits or depositions in writing upon oath or affirmation to be made in manner herein directed as to such affidavits, depositions, or affirmations as may be produced to the said commissioners acting in the execution of this Act as last aforesaid, it shall be lawful for such commissioners of appeal, and they are hereby required, to determine such appeal, and give such order therein as in their discretion shall seem expedient, which order shall be final and conclusive upon all parties; and if such commissioners of appeal shall have any doubts touching any matters or things relating to the determination of such appeal, it shall and may be lawful for such last-mentioned commissioners to require the advice and assistance or the opinion of any counsel learned in the law, being a barrister of five years standing at the least, as to them shall seem most expedient; and such commissioners shall and may award the costs actually incurred in such appeal, and no more, together with such expense as shall have arisen from the obtaining the advice, assistance, or opinion of counsel, as the case may be, if any such expense shall have been incurred, to be paid either by the party against whom such appeal shall have been determined, or by both the parties to such appeal, in such proportions as to such commissioners shall seem just and reasonable; and in case of refusal or nonpayment of any sums so ordered to be paid by the space of twenty-one days next after such determination, such commissioners of appeal, or any two of them, shall and may issue forth their warrant to levy the same by distress and sale of the goods and chattels of the person or persons ordered to pay such sum as aforesaid, rendering the overplus to the owner or owners after the payment of the charge of such distress and sale: Provided always, that where capital stock which would be requisite to be transferred for the redemption or purchase of any land tax respectively, about which any such dispute as aforesaid may arise, would in the whole exceed five hundred pounds in such public annuities, the person or persons so thinking himself, herself, or themselves aggrieved as aforesaid shall and may apply to the Court of Chancery or Exchequer in England, or the Courts of Session or Exchequer in Scotland, by petition to be preferred in a summary way; which courts respectively may thereupon grant such relief, and make such order therein, as to the said courts respectively shall seem meet.

Commissioners of appeal may have the advice of counsel, and may award costs, &c.

Where the consideration would exceed 500*l.* stock, appeal may be made to the Court of Chancery or Exchequer in England, and Court of Session or Exchequer in Scotland.

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CXCIX. AND be it further enacted, that it shall be lawful for his Majesty, his heirs and successors, at his or their pleasure, to revoke the several commissions already granted by virtue of the said first-recited Act or to be granted by virtue of this Act to the several persons therein and herein described for the purpose of selling the land tax in the several counties, ridings,

His Majesty may revoke commissions granted to any persons for selling the land tax, and grant

commissions to any other persons.

stewartries, cities, boroughs, cinque ports, towns, or places in Great Britain, or any of such commissions, and by warrant under his Majesty's royal sign manual to grant any other commission or commissions to any other persons whom his Majesty shall think fit for the purpose of selling the land tax under the provisions of this Act; and the persons named in such new commission or commissions (taking the oath herein prescribed) shall have and be invested with such and the same powers and authorities in relation to the redemption and sale of the land tax in Great Britain, or such part or parts of Great Britain to which such new commission or commissions shall extend, as by this Act are given to and vested in the several persons already appointed or to be appointed under the provisions of the said recited Acts or of this Act in relation to the redemption or sale of the land tax in the several counties, ridings, stewartries, cities, boroughs, cinque ports, towns, and places in or for which they are or shall be so appointed commissioners as aforesaid; and all such rules, methods, regulations, and directions as are herein prescribed in relation to the redemption or sale of the land tax, and the powers for raising money or other powers requisite or necessary to complete the same, under the authority of the commissions already granted or to be granted by his Majesty by warrant under his royal sign manual, according to the provisions of this Act, shall be observed, practised, and put in execution in relation to any redemption or sale of the land tax, and to any of the aforesaid powers requisite or necessary for completing the same, which shall be made or exercised under the authority of any such new commission or commissions as aforesaid, in so far as such rules, methods, regulations, and directions are respectively applicable thereto.

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SCHEDULES to which this Act refers.

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(E.)

FORM of the CERTIFICATE or RECEIPT to be indorsed on the Contract, in Cases where the Consideration is transferred in Stock.

Bank of England.	Days when Stock was transferred.	Amount of the Stock transferred.	Name of the Receiver or Acceptor.
1st instalment - -			
2d instalment - -			
3d instalment - -			
4th instalment - -			
&c. &c.			

(F.)

FORM of the CERTIFICATE or RECEIPT to be indorsed on the Contract, in Cases where the Consideration is paid to the Receiver General in Money.

Day of the actual Payment of the Consideration.	Price of 3*l.* per Cents. at which the Consideration is calculated.	Amount of Money Received.	Name of the Receiver.

(G.)

FORM of CONTRACT for Sale of Crown Lands belonging to the Duchy of Lancaster.

GEORGE the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland king, defender of the faith, and so forth, to all to whom these presents shall come, greeting; know ye, that We, in consideration of the sum of paid into the hands of our receiver-general of the revenues of our duchy of Lancaster, as appears by the receipt of the receiver-general indorsed on these presents, by and with the advice and consent of our chancellor and council of our said duchy, do by these presents grant, bargain, and sell unto A.B., his heirs and assigns, all [describe the manors, &c. sold], to have and to hold the said [manors, &c.] hereby bargained and sold, and all benefits and advantages thereto belonging, unto and to the use of the said A.B., his heirs and assigns for ever; [in case there be any subsisting lease of the manors, &c., words to the following effect are to be added: subject nevertheless to the term and interest in the said manors, &c. by virtue of a lease granted under the seal of bearing date on or about unto for a term of which will expire on or about].

In witness whereof

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(I.)

FORM of CERTIFICATES of CONTRACTS to be made by the Surveyor General of the Duchy of Cornwall.

By the Surveyor General of the Duchy of Cornwall.

THESE are to certify, that by virtue of a warrant from the council of his royal Highness the Prince of Wales and Duke of Cornwall, the said surveyor general hath contracted and agreed with A.B. for the sale to the said A.B. of all [here describe the premises or the rent to be sold], at or for the price or sum of of lawful money of Great Britain, to be paid by the said A.B. into the Bank of England, and carried to the account of the duchy of Cornwall; [and in case of any subsisting lease, or any grant by copy of court roll, then the following words to be added: subject nevertheless to, here describing when and to whom such lease or copy was granted, for what term or lives, and when the term will expire, or which of the lives are in being;] and from and immediately after the payment of the said sum in manner aforesaid, and the inrolment of this certificate and the receipt for the said purchase money in the office of the auditor of the duchy of Cornwall and thenceforth for ever, the said A.B. and his [her or their] heirs, successors, or assigns, shall be adjudged, deemed, and taken to be in the actual seisin and possession of the said premises [or rent, as the case may be] so by him [her or them] purchased; [and where the purchase shall be other than for a rent, the following words to be added: and shall hold and enjoy the same peaceably and quietly, and in as full and ample manner to all intents and purposes as his royal Highness the Prince of Wales, his heirs or successors, Dukes of Cornwall, might or could have held or enjoyed the same, by force and virtue of an Act of Parliament passed in the forty-second year of the reign of his Majesty King George the Third, intituled 'An Act' [inserting the title of this Act].

Given under the hand of the said surveyor general of the duchy of Cornwall, the day of .

Witness to the signing by the said surveyor general.

[The witness to be one of the clerks or other officers in his office.]

(K.)

FORM of CASHIER'S RECEIPT.

RECEIVED the day of of and from the above [or within] named A.B. the sum of of lawful money of Great Britain, being the consideration money expressed in the above or [within] written certificate.

Witness my hand,

For the governor and company of the Bank of England.

£ Cashier.

(L.) TABLE showing the several Sums payable for the Redemption or Purchase of Land Tax of the yearly Amounts denoted in the First Column, when the Three Pounds per Cent. Bank Annuities are at any Prices between 60 and Par, as denoted in the Second and subsequent Columns.

Land Tax to be redeemed or purchased.	60 and under 61.	61 and under 62.	62 and under 63.	63 and under 64.	64 and under 65.	65 and under 66.
¼ -	0 0 5½	0 0 5½	0 0 5¾	0 0 5¾	0 0 5¾	0 0 6
½ -	0 0 11	0 0 11¼	0 0 11½	0 0 11½	0 0 11¾	0 1 0
¾ -	0 1 4½	0 1 4¾	0 1 5	0 1 5½	0 1 5¾	0 1 6
D. 1 -	0 1 10	0 1 10½	0 1 10¾	0 1 11¼	0 1 11½	0 2 0
2 -	0 3 8¼	0 3 9	0 3 9¾	0 3 10½	0 3 11¼	0 4 0
3 -	0 5 6½	0 5 7¾	0 5 8¾	0 5 10	0 5 11	0 6 0
4 -	0 7 4¾	0 7 6¼	0 7 7¾	0 7 9¼	0 7 10¾	0 8 0¼
5 -	0 9 3	0 9 4¾	0 9 6¾	0 9 8½	0 9 10¼	0 10 0¼
6 -	0 11 1	0 11 3½	0 11 5¾	0 11 7¾	0 11 10	0 12 0¼
7 -	0 12 11½	0 13 2	0 13 4¾	0 13 7¼	0 13 9¾	0 14 0¼
8 -	0 14 9¾	0 15 0¾	0 15 3½	0 15 6½	0 15 9½	0 16 0½
9 -	0 16 8	0 16 11¼	0 17 2½	0 17 5¾	0 17 9¼	0 18 0½
10 -	0 18 6¼	0 18 9¾	0 19 1½	0 19 5¼	0 19 8¾	1 0 0½
11 -	1 0 4½	1 0 8½	1 1 0½	1 1 4½	1 1 8½	1 2 0½
S. 1 -	1 2 2¾	1 2 7	1 2 11½	1 3 3¾	1 3 8¼	1 4 0¾
2 -	2 4 5½	2 5 2¼	2 5 11	2 6 7¾	2 7 4½	2 8 1½
3 -	3 6 8¼	3 7 9¼	3 8 10½	3 9 11¾	3 11 1	3 12 2¼
4 -	4 8 11	4 10 4½	4 11 10	4 13 3¾	4 14 9¼	4 16 3
5 -	5 11 1¾	5 12 11¾	5 14 9¾	5 16 7¾	5 18 5¾	6 0 3¾
6 -	6 13 4½	6 15 6¾	6 17 9¼	6 19 11½	7 2 2	7 4 4½
7 -	7 15 7¼	7 18 2	8 0 8¾	8 3 3½	8 5 10¼	8 8 5¼
8 -	8 17 10	9 0 9	9 3 8¼	9 6 7½	9 9 6¾	9 12 6
9 -	10 0 0¾	10 3 4¼	10 6 7¾	10 9 11½	10 13 3	10 16 6¾
10 -	11 2 3½	11 5 11½	11 9 7½	11 13 3½	11 16 11½	12 0 7½
11 -	12 4 6¼	12 8 6½	12 12 7	12 16 7¼	13 0 7¾	13 4 8¼
12 -	13 6 9	13 11 1¾	13 15 6½	13 19 11¼	14 4 4	14 8 9
13 -	14 8 11¾	14 13 8¾	14 18 6	15 3 3¼	15 8 0½	15 12 9¾
14 -	15 11 2½	15 16 4	16 1 5½	16 6 7¼	16 11 8¾	16 16 10½
15 -	16 13 5¼	16 18 11¼	17 4 5¼	17 9 11¼	17 15 5¼	18 0 11¼
16 -	17 15 8	18 1 6¼	18 7 4¾	18 13 3	18 19 1½	19 5 0
17 -	18 17 10¾	19 4 1½	19 10 4¼	19 16 7	20 2 9¾	20 9 0¾
18 -	20 0 1½	20 6 8½	20 13 3¾	20 19 11	21 6 6¼	21 13 1½
19 -	21 2 4¼	21 9 3¾	21 16 3¼	22 3 3	22 10 2½	22 17 2¼
£1 - -	22 4 7	22 11 11	22 19 3	23 6 7	23 13 11	24 1 3
2 - -	44 9 2	45 3 10	45 18 6	46 13 2	47 7 10	48 2 6
3 - -	66 13 9	67 15 9	68 17 9	69 19 9	71 1 9	72 3 9
4 - -	88 18 4	90 7 8	91 17 0	93 6 4	94 15 8	96 5 0
5 - -	111 2 11	112 19 7	114 16 3	116 12 11	118 9 7	120 6 3
6 - -	133 7 6	135 11 6	137 15 6	139 19 6	142 3 6	144 7 6
7 - -	155 12 1	158 3 5	160 14 9	163 6 1	165 17 5	168 8 9
8 - -	177 16 8	180 15 4	183 14 0	186 12 8	189 11 4	192 10 0
9 - -	200 1 3	203 7 3	206 13 3	209 19 3	213 5 3	216 11 3
10 - -	222 5 10	225 19 2	229 12 6	233 5 10	236 19 2	240 12 6
20 - -	444 11 8	451 18 4	459 5 0	466 11 8	473 18 4	481 5 0

SCHEDULE (L.)—continued.

Land Tax to be redeemed or purchased.	66 and under 67.	67 and under 68.	68 and under 69.	69 and under 70.	70 and under 71.	71 and under 72.
¼ -	0 0 6	0 0 6¼	0 0 6¼	0 0 6½	0 0 6½	0 0 6½
½ -	0 1 0¼	0 1 0½	0 1 0½	0 1 0¾	0 1 1	0 1 1¼
¾ -	0 1 6¼	0 1 6½	0 1 6¾	0 1 7¼	0 1 7½	0 1 7¾
D. 1 -	0 2 0½	0 2 0¾	0 2 1¼	0 2 1½	0 2 2	0 2 2½
2 -	0 4 0¾	0 4 1½	0 4 2¼	0 4 3	0 4 4¾	0 4 4½
3 -	0 6 1¼	0 6 2½	0 6 3½	0 6 4½	0 6 5¾	0 6 6¾
4 -	0 8 1¾	0 8 3¼	0 8 4¾	0 8 6¼	0 8 7½	0 8 9
5 -	0 10 2¼	0 10 4	0 10 5¾	0 10 7¾	0 10 9½	0 10 11¼
6 -	0 12 2½	0 12 4¾	0 12 7	0 12 9¼	0 12 11½	0 13 1½
7 -	0 14 3	0 14 5½	0 14 8¼	0 14 10¾	0 15 1¼	0 15 3¾
8 -	0 16 3½	0 16 6½	0 16 9¼	0 17 0¼	0 17 3¼	0 17 6
9 -	0 18 3¾	0 18 7¼	0 18 10½	0 19 1¾	0 19 5	0 19 8¼
10 -	1 0 4¼	1 0 8	1 0 11¾	1 1 3¼	1 1 7	1 1 10¾
11 -	1 2 4¾	1 2 8¾	1 3 0¾	1 3 4¾	1 3 8¾	1 4 1
S. 1 -	1 4 5¼	1 4 9½	1 5 2	1 5 6¼	1 5 10¾	1 6 3¼
2 -	2 8 10¼	2 9 7	2 10 4	2 11 0¾	2 11 9½	2 12 6¼
3 -	3 13 3½	3 14 4¾	3 15 5¾	3 16 7	3 17 8¼	3 18 9½
4 -	4 17 8½	4 19 2½	5 0 7¾	5 2 1½	5 3 7	5 5 0½
5 -	6 2 1¾	6 3 11¾	6 5 9¾	6 7 7¾	6 9 5¾	6 11 3¾
6 -	7 6 7	7 8 9¼	7 10 11¾	7 13 2	7 15 4½	7 17 7
7 -	8 11 0	8 13 6¾	8 16 1¾	8 18 8½	9 1 3¼	9 3 10
8 -	9 15 5¼	9 18 4½	10 1 3½	10 4 2¾	10 7 2	10 10 1¼
9 -	10 19 10¼	11 3 2	11 6 5½	11 9 9¼	11 13 0¾	11 16 4¼
10 -	12 4 3½	12 7 11½	12 11 7½	12 15 3½	12 18 11½	13 2 7½
11 -	13 8 8¾	13 12 9	13 16 9¾	14 0 9¾	14 4 10¼	14 8 10¾
12 -	14 13 1¾	14 17 6½	15 1 11½	15 6 4¼	15 10 9	15 15 1¾
13 -	15 17 7	16 2 4¼	16 7 1¼	16 11 10½	16 16 7¾	17 1 5
14 -	17 2 0	17 7 1¼	17 12 3¼	17 17 5	18 2 6½	18 7 8
15 -	18 6 5¼	18 11 11¼	18 17 5¼	19 2 11¼	19 8 5¼	19 13 11¼
16 -	19 10 10½	19 16 8¾	20 2 7¼	20 8 5½	20 14 4	21 0 2½
17 -	20 15 3½	21 1 6½	21 7 9¼	21 14 0	22 0 2¾	22 6 5½
18 -	21 19 8¾	22 6 4	22 12 11	22 19 6¼	23 6 1½	23 12 8¾
19 -	23 4 1¾	23 11 1½	23 18 1	24 5 0¾	24 12 0¼	24 18 11¾
£1 - -	24 8 7	24 15 11	25 3 3	25 10 7	25 17 11	26 5 3
2 - -	48 17 2	49 11 10	50 6 6	51 1 2	51 15 10	52 10 6
3 - -	73 5 9	74 7 9	75 9 9	76 11 9	77 13 9	78 15 9
4 - -	97 14 4	99 3 8	100 13 0	102 2 4	103 11 8	105 1 0
5 - -	122 2 11	123 19 7	125 16 3	127 12 11	129 9 7	131 6 3
6 - -	146 11 6	148 15 6	150 19 6	153 3 6	155 7 6	157 11 6
7 - -	171 0 1	173 11 5	176 2 9	178 14 1	181 5 5	183 16 9
8 - -	195 8 8	198 7 4	201 6 0	204 4 8	207 3 4	210 2 0
9 - -	219 17 3	223 3 3	226 9 3	229 15 3	233 1 3	236 7 3
10 - -	244 5 10	247 19 2	251 12 6	255 5 10	258 19 2	262 12 6
20 - -	488 11 8	495 18 4	503 5 0	510 11 8	517 18 4	525 5 0

SCHEDULE (L.)—continued.

Land Tax to be redeemed or purchased.	72 and under 73.	73 and under 74.	74 and under 75.	75 and under 76.	76 and under 77.	77 and under 78.
¼ -	0 0 6¾	0 0 6¾	0 0 6¾	0 0 7	0 0 7	0 0 7
½ -	0 1 1¼	0 1 1½	0 1 1¾	0 1 1¾	0 1 2	0 1 2¼
¾ -	0 1 8	0 1 8¼	0 1 8½	0 1 8¾	0 1 9	0 1 9¼
D. 1 -	0 2 2¾	0 2 3	0 2 3¼	0 2 3¾	0 2 4	0 2 4½
2 -	0 4 5¼	0 4 6	0 4 6¾	0 4 7½	0 4 8¼	0 4 9
3 -	0 6 8	0 6 9	0 6 10	0 6 11¼	0 7 0½	0 7 1½
4 -	0 8 10½	0 9 0	0 9 1½	0 9 3	0 9 4½	0 9 5¾
5 -	0 11 1¼	0 11 3	0 11 4¾	0 11 6¾	0 11 8½	0 11 10¼
6 -	0 13 3¾	0 13 6	0 13 8¼	0 13 10¼	0 14 0½	0 14 2¾
7 -	0 15 6½	0 15 9	0 15 11½	0 16 2	0 16 4¾	0 16 7¼
8 -	0 17 9	0 18 0	0 18 3	0 18 5¾	0 18 8¾	0 18 11¾
9 -	0 19 11¾	1 0 3	1 0 6¼	1 0 9½	1 1 0¾	1 1 4¼
10 -	1 2 2¼	1 2 6	1 2 9½	1 3 1¼	1 3 5	1 3 8½
11 -	1 4 5	1 4 9	1 5 1	1 5 5	1 5 9	1 6 1
S. 1 -	1 6 7½	1 7 0	1 7 4¼	1 7 8¾	1 8 1¼	1 8 5½
2 -	2 13 3	2 14 0	2 14 8¾	2 15 5½	2 16 2¼	2 16 11
3 -	3 19 10¾	4 0 11¾	4 2 1	4 3 2¼	4 4 3½	4 5 4¾
4 -	5 6 6¼	5 7 11¾	5 9 5½	5 10 11	5 12 4½	5 13 10¼
5 -	6 13 1¾	6 14 11¾	6 16 9¾	6 18 7¾	7 0 5¾	7 2 3¾
6 -	7 19 9¼	8 1 11¾	8 4 2	8 6 4½	8 8 7	8 10 9¼
7 -	9 6 4¾	9 8 11¾	9 11 6½	9 14 1¼	9 16 8	9 19 2¾
8 -	10 13 0½	10 15 11½	10 18 10¾	11 1 10	11 4 9¼	11 7 8½
9 -	11 19 8	12 2 11½	12 6 3¼	12 9 6¾	12 12 10¼	12 16 2
10 -	13 6 3½	13 9 11½	13 13 7½	13 17 3½	14 0 11½	14 4 7½
11 -	14 12 11	14 16 11½	15 0 11¾	15 5 0¼	15 0 9¾	15 13 1
12 -	15 19 6½	16 3 11½	16 8 4¼	16 12 9	16 17 1¾	17 1 6½
13 -	17 6 2¼	17 10 11¼	17 15 8½	18 0 5¾	18 5 3	18 10 0¼
14 -	18 12 9¾	18 17 11¼	19 3 1	19 8 2½	19 13 4	19 18 5¾
15 -	19 19 5¼	20 4 11¼	20 10 5¼	20 15 11¼	21 1 5¼	21 6 11¼
16 -	21 6 0¾	21 11 11¼	21 17 9½	22 3 8	22 9 6½	22 15 4¾
17 -	22 12 8¼	22 18 11¼	23 5 2	23 11 4¾	23 17 7½	24 3 10¼
18 -	23 19 4	24 5 11	24 12 6¼	24 19 1½	25 5 8¾	25 12 4
19 -	25 5 11½	25 12 11	25 19 10¾	26 6 10¼	26 13 9¾	27 0 9½
£1 - -	26 12 7	26 19 11	27 7 3	27 14 7	28 1 11	28 9 3
2 - -	53 5 2	53 19 10	54 14 6	55 9 2	56 3 10	56 18 6
3 - -	79 17 9	80 19 9	82 1 9	83 3 9	84 5 9	85 7 9
4 - -	106 10 4	107 19 8	109 9 0	110 18 4	112 7 8	113 17 0
5 - -	133 2 11	134 19 7	136 16 3	138 12 11	140 9 7	142 6 3
6 - -	159 15 6	161 19 6	164 3 6	166 7 6	168 11 6	170 15 6
7 - -	186 8 1	188 19 5	191 10 9	194 2 1	196 13 5	199 4 9
8 - -	213 0 8	215 19 4	218 18 0	221 16 8	224 15 4	227 14 0
9 - -	239 13 3	242 19 3	246 5 3	249 11 3	252 17 3	256 3 3
10 - -	266 5 10	269 19 2	273 12 6	277 5 10	280 19 2	284 12 6
20 - -	532 11 8	539 18 4	547 5 0	554 11 8	561 18 4	569 5 0

SCHEDULE (L.)—continued.

Land Tax to be redeemed or purchased.	78 and under 79.	79 and under 80.	80 and under 81.	81 and under 82.	82 and under 83.	83 and under 84.
¼ -	0 0 7¼	0 0 7⅓	0 0 7⅓	0 0 7⅓	0 0 7⅓	0 0 7¾
½ -	0 1 2½	0 1 2½	0 1 2¾	0 1 3	0 1 3¼	0 1 3¼
¾ -	0 1 9½	0 1 10	0 1 10¼	0 1 10⅓	0 1 10¾	0 1 11
D. 1 -	0 2 4¾	0 2 5¼	0 2 5⅓	0 2 6	0 2 6¼	0 2 6¾
2 -	0 4 9¾	0 4 10½	0 4 11¼	0 4 11¾	0 5 0⅓	0 5 1¼
3 -	0 7 2½	0 7 3½	0 7 4¾	0 7 5¾	0 7 7	0 7 8
4 -	0 9 7¼	0 9 8¾	0 9 10¼	0 9 11¾	0 10 1¼	0 10 2¾
5 -	0 12 0¼	0 12 2	0 12 3¾	0 12 5¾	0 12 7⅓	0 12 9¼
6 -	0 14 5	0 14 7¼	0 14 9⅓	0 14 11⅓	0 15 1¾	0 15 4
7 -	0 16 9¾	0 17 0¼	0 17 3	0 17 5⅓	0 17 8	0 17 10¾
8 -	0 19 2¾	0 19 5½	0 19 8⅓	0 19 11⅓	1 0 2¼	1 0 5¼
9 -	1 1 7⅓	1 1 10¾	1 2 2	1 2 5¼	1 2 8¾	1 3 0
10 -	1 4 0¼	1 4 4	1 4 7¾	1 4 11¼	1 5 3	1 5 6¾
11 -	1 6 5	1 6 9¼	1 7 1¼	1 7 5¼	1 7 9¼	1 8 1¼
S. 1 -	1 8 10	1 9 2¼	1 9 6¾	1 9 11¼	1 10 3⅓	1 10 8
2 -	2 17 8	2 18 4¾	2 19 1⅓	2 19 10¼	3 0 7	3 1 4
3 -	4 6 5¾	4 7 7	4 8 8¼	4 9 9½	4 10 10¾	4 11 11¾
4 -	5 15 3¾	5 16 9⅓	5 18 3	5 19 8⅓	6 1 2¼	6 2 7¾
5 -	7 4 1¾	7 5 11¼	7 7 9¾	7 9 7¾	7 11 5¾	7 13 3¾
6 -	8 12 11¾	8 15 2	8 17 4⅔	8 19 7	9 1 9¼	9 3 11¾
7 -	10 1 9¾	10 4 4½	10 6 11¼	10 9 6	10 12 0¾	10 14 7¾
8 -	11 10 7½	11 13 6¾	11 16 6	11 19 5¼	12 2 4½	12 5 3½
9 -	12 19 5½	13 2 9¼	13 6 0¾	13 9 4¼	13 12 8	13 15 11½
10 -	14 8 3½	14 11 11½	14 15 7½	14 19 3½	15 2 11½	15 6 7½
11 -	15 17 1½	16 1 1¾	16 5 2¼	16 9 2¾	16 13 3	16 17 3½
12 -	17 5 11½	17 10 4¼	17 14 9	17 19 1¾	18 3 6½	18 7 11½
13 -	18 14 9¼	18 19 6½	19 4 3¾	19 9 1	19 13 10¼	19 18 7¼
14 -	20 3 7¼	20 8 9	20 13 10½	20 19 0	21 4 1¾	21 9 3¼
15 -	21 12 5¼	21 17 11¼	22 3 5¼	22 8 11¼	22 14 5¼	22 19 11¼
16 -	23 1 3¼	23 7 1½	23 13 0	23 18 10½	24 4 8¾	24 10 7¼
17 -	24 10 1¼	24 16 4	25 2 6¾	25 8 9½	25 15 0¼	26 1 3¼
18 -	25 18 11	26 5 6¼	26 12 1½	26 18 8¾	27 5 4	27 11 11
19 -	27 7 9	27 14 8¾	28 1 8¼	28 8 7¾	28 15 7½	29 2 7
£1 - -	28 16 7	29 3 11	29 11 3	29 18 7	30 5 11	30 13 3
2 - -	57 13 2	58 7 10	59 2 6	59 17 2	60 11 10	61 6 6
3 - -	86 9 9	87 11 9	88 13 9	89 15 9	90 17 9	91 9 9
4 - -	115 6 4	116 15 8	118 5 0	119 14 4	121 3 8	122 13 4
5 - -	144 2 11	145 19 7	147 16 3	149 12 11	151 9 7	153 6 3
6 - -	172 19 6	175 3 6	177 7 6	179 11 6	181 15 6	183 19 6
7 - -	201 16 1	204 7 5	206 18 9	209 10 1	212 1 5	214 12 9
8 - -	230 12 8	233 11 4	236 10 0	239 8 8	242 7 4	245 6 0
9 - -	259 9 3	262 15 3	266 1 3	269 7 3	272 13 3	275 19 3
10 - -	288 5 10	291 19 2	295 12 6	299 5 10	302 19 2	306 12 6
20 - -	576 11 8	583 18 4	591 5 0	598 11 8	605 18 4	613 5 0

SCHEDULE (L.)—continued.

and Tax to redeemed purchased.	84 and under 85.	85 and under 86.	86 and under 87.	87 and under 88.	88 and under 89.	89 and under 90.
¼ -	0 0 7¾	0 0 7¾	0 0 8	0 0 8	0 0 8	0 0 8¼
½ -	0 1 3½	0 1 3¾	0 1 4	0 1 4	0 1 4¼	0 1 4½
¾ -	0 1 11¼	0 1 11½	0 1 11¾	0 2 0	0 2 0¼	0 2 0¾
D. 1 -	0 2 7	0 2 7½	0 2 7¾	0 2 8¼	0 2 8½	0 2 8¾
2 -	0 5 2	0 5 2¾	0 5 3½	0 5 4¼	0 5 5	0 5 5¾
3 -	0 7 9	0 7 10¼	0 7 11¼	0 8 0½	0 8 1½	0 8 2½
4 -	0 10 4	0 10 5½	0 10 7	0 10 8½	0 10 10	0 10 11½
5 -	0 12 11¼	0 13 1	0 13 2¾	0 13 4¾	0 13 6½	0 13 8¼
6 -	0 15 6¼	0 15 8½	0 15 10½	0 16 0¾	0 16 3	0 16 5¼
7 -	0 18 1¼	0 18 3¾	0 18 6¼	0 18 9	0 18 11½	0 19 2
8 -	1 0 8¼	1 0 11¼	1 1 2	1 1 5	1 1 8	1 1 11
9 -	1 3 3¼	1 3 6½	1 3 9¾	1 4 1¼	1 4 4½	1 4 7¾
10 -	1 5 10¼	1 6 2	1 6 5¾	1 6 9¼	1 7 1	1 7 4¾
11 -	1 8 5¼	1 8 9¼	1 9 1½	1 9 5½	1 9 9½	1 10 1½
S. 1 -	1 11 0¼	1 11 4¾	1 11 9¼	1 12 1½	1 12 6	1 12 10¼
2 -	3 2 0¾	3 2 9½	3 3 6¼	3 4 3	3 5 0	3 5 8¾
3 -	4 13 1	4 14 2¼	4 15 3½	4 16 4¾	4 17 5¾	4 18 7
4 -	6 4 1½	6 5 7	6 7 0½	6 8 6¼	6 9 11¾	6 11 5½
5 -	7 15 1¾	7 16 11¾	7 18 9¾	8 0 7¾	8 2 5¾	8 4 3¾
6 -	9 6 2	9 8 4½	9 10 7	9 12 9¼	9 14 11¾	9 17 2
7 -	10 17 2½	10 19 9¼	11 2 4	11 4 10¾	11 7 5¾	11 10 0½
8 -	12 8 2¾	12 11 2	12 14 1¼	12 17 0½	12 19 11½	13 2 10¾
9 -	13 19 3¼	14 2 6¾	14 5 10¼	14 9 2	14 12 5½	14 15 9¼
10 -	15 10 3½	15 13 11½	15 17 7½	16 1 3½	16 4 11½	16 8 7½
11 -	17 1 3¾	17 5 4¼	17 9 4¾	17 13 5	17 17 5½	18 1 5¾
12 -	18 12 4¼	18 16 9	19 1 1¾	19 5 6½	19 9 11½	19 14 4¼
13 -	20 3 4½	20 8 1¾	20 12 11	20 17 8¼	21 2 5¼	21 7 9½
14 -	21 14 5	21 19 6½	22 4 8	22 9 9¾	22 14 11¼	23 0 1
15 -	23 5 5¼	23 10 11¼	23 16 5¼	24 1 11¼	24 7 5¼	24 12 11¼
16 -	24 16 5½	25 2 4	25 8 2½	25 14 0¾	25 19 11¼	26 5 9½
17 -	26 7 6	26 13 8¾	26 19 11½	27 6 2¼	27 12 5¼	27 18 8
18 -	27 18 6¼	28 5 1½	28 11 8¾	28 18 4	29 4 11	29 11 6¼
19 -	29 9 6¾	29 16 6¼	30 3 5¾	30 10 5½	30 17 5	31 4 4¾
1 - -	31 0 7	31 7 11	31 15 3	32 2 7	32 9 11	32 17 3
2 - -	62 1 2	62 15 10	63 10 6	64 5 2	64 19 10	65 14 6
3 - -	93 1 9	94 3 9	95 5 9	96 7 9	97 9 9	98 11 9
4 - -	124 2 4	125 11 8	127 1 0	128 10 4	129 19 8	131 9 0
5 - -	155 2 11	156 19 7	158 16 3	160 12 11	162 9 7	164 6 3
6 - -	186 3 6	188 7 6	190 11 6	192 15 6	194 19 6	197 3 6
7 - -	217 4 1	219 15 5	222 6 9	224 18 1	227 9 5	230 0 9
8 - -	248 4 8	251 3 4	254 2 0	257 0 8	259 19 4	262 18 0
9 - -	279 5 3	282 11 3	285 17 3	289 3 3	292 9 3	295 15 3
0 - -	310 5 10	313 19 2	317 12 6	321 5 10	324 19 2	328 12 6
0 - -	620 11 8	627 18 4	635 5 0	642 11 8	649 18 4	657 5 0

SCHEDULE (L.)—continued.

Land Tax to be redeemed or purchased.	90 and under 91.	91 and under 92.	92 and under 93.	93 and under 94.	94 and under 95.	95 and under 96.
¼ -	0 0 8¼	0 0 8½	0 0 8½	0 0 8½	0 0 8¾	0 0 8¾
½ -	0 1 4½	0 1 4¾	0 1 5	0 1 5¼	0 1 5¼	0 1 5½
¾ -	0 2 1	0 2 1¼	0 2 1½	0 2 1¾	0 2 2	0 2 2¼
D. 1 -	0 2 9¼	0 2 9½	0 2 10	0 2 10	0 2 10¾	0 2 11
2 -	0 5 6½	0 5 7¼	0 5 8	0 5 8¾	0 5 9½	0 5 10¼
3 -	0 8 3¾	0 8 4¾	0 8 6	0 8 7	0 8 8	0 8 9¼
4 -	0 11 1	0 11 2½	0 11 3¾	0 11 5¼	0 11 6¾	0 11 8¼
5 -	0 13 10¼	0 14 0	0 14 1¾	0 14 3	0 14 5½	0 14 7¼
6 -	0 16 7½	0 16 9½	0 16 11¾	0 17 2	0 17 4¼	0 17 6½
7 -	0 19 4½	0 19 7¼	0 19 9¾	1 0 0	1 0 2¾	1 0 5¼
8 -	1 2 1¾	1 2 4¾	1 2 7¾	1 2 10¾	1 3 1½	1 3 4½
9 -	1 4 11	1 5 2¼	1 5 5¾	1 5 9	1 6 0¼	1 6 3½
10 -	1 7 8¼	1 8 0	1 8 3¾	1 8 7¼	1 8 11	1 9 2¾
11 -	1 10 5½	1 10 9½	1 11 1½	1 11 5½	1 11 9¾	1 12 1¾
S. 1 -	1 13 2¾	1 13 7¼	1 13 11½	1 14 4	1 14 8¼	1 15 0¾
2 -	3 6 5½	3 7 2¼	3 7 11	3 8 8	3 9 4¾	3 10 1½
3 -	4 19 8¼	5 0 9½	5 1 10¾	5 2 11¾	5 4 1	5 5 2¼
4 -	6 12 11	6 14 4½	6 15 10¼	6 17 3¾	6 18 9½	7 0 3
5 -	8 6 1¾	8 7 11¾	8 9 9¾	8 11 7¾	8 13 5¾	8 15 3¾
6 -	9 19 4½	10 1 7	10 3 9¼	10 5 11¾	10 8 2	10 10 4½
7 -	11 12 7¼	11 15 2	11 17 8¾	12 0 3¾	12 2 10½	12 5 5¼
8 -	13 5 10	13 8 9¼	13 11 8½	13 14 7½	13 17 6¾	14 0 6
9 -	14 19 0¾	15 2 4¼	15 5 8	15 8 11½	15 12 3¼	15 15 6¾
10 -	16 12 3½	16 15 11½	16 19 7½	17 3 3½	17 6 11½	17 10 7½
11 -	18 5 6¼	18 9 6¾	18 13 7	18 17 7½	19 1 7¾	19 5 8¼
12 -	19 18 9	20 3 1¾	20 7 6½	20 11 11½	20 16 4¼	21 0 9
13 -	21 11 11¾	21 16 9	22 1 6¼	22 6 3¼	22 11 0½	22 15 9¾
14 -	23 5 2½	23 10 4	23 15 5¾	24 0 7¼	24 5 9	24 10 0¾
15 -	24 18 5¼	25 3 11¼	25 9 5¼	25 14 11¼	26 0 5¼	26 5 1¼
16 -	26 11 8	26 17 6½	27 3 4¾	27 9 3¼	27 15 1½	28 1 0
17 -	28 4 10¾	28 11 1½	28 17 4¼	29 3 7¼	29 9 10	29 16 0¾
18 -	29 18 1½	30 4 8¾	30 11 4	30 17 11	31 4 6¼	31 11 1½
19 -	31 11 4¼	31 18 3¾	32 5 3½	32 12 3	32 19 2¾	33 6 2¼
£1 - -	33 4 7	33 11 11	33 19 3	34 6 7	34 13 11	35 1 3
2 - -	66 9 2	67 3 10	67 18 6	68 13 2	69 7 10	70 2 6
3 - -	99 13 9	100 15 9	101 17 9	102 19 9	104 1 9	105 3 9
4 - -	132 18 4	134 7 8	135 17 0	137 6 4	138 15 8	140 5 0
5 - -	166 2 11	167 19 7	169 16 3	171 12 11	173 9 7	175 6 3
6 - -	199 7 6	201 11 6	203 15 6	205 19 6	208 3 6	210 7 6
7 - -	232 12 1	235 3 5	237 14 9	240 6 1	242 17 5	245 8 9
8 - -	265 16 8	268 15 4	271 14 0	274 12 8	277 11 4	280 10 0
9 - -	299 1 3	302 7 3	305 13 3	308 19 3	312 5 3	315 11 3
10 - -	339 5 10	335 19 2	339 12 6	343 5 10	346 19 2	350 12 6
20 - -	664 11 8	671 18 4	679 5 0	686 11 8	693 18 4	701 5 0

SCHEDULE (L.)—continued.

96 and under 97.	97 and under 98.	98 and under 99.	99 and under 100.	100 and under 101.
0 0 8¾	0 0 9	0 0 9	0 0 9⅛	0 0 9¼
0 1 5¾	0 1 6	0 1 6	0 1 6¼	0 1 6½
0 2 2½	0 2 2¾	0 2 3	0 2 3⅛	0 2 3¾
0 2 11½	0 2 11¾	0 3 0¼	0 3 0⅜	0 3 1
0 5 10¾	0 5 11½	0 6 0½	0 6 1	0 6 1¾
0 8 10¼	0 8 11⅛	0 9 0⅞	0 9 1½	0 9 2¼
0 11 9¾	0 11 11¼	0 12 0¾	0 12 2	0 12 3⅛
0 14 9¼	0 14 11	0 15 0⅞	0 15 2¾	0 15 4⅛
0 17 8½	0 17 10¾	0 18 1	0 18 3¼	0 18 5⅛
1 0 8	1 0 10½	1 1 1¼	1 1 3¾	1 1 6¼
1 3 7⅛	1 3 10¼	1 4 1⅜	1 4 4⅛	1 4 7⅛
1 6 6¾	1 6 10⅛	1 7 1⅞	1 7 4⅞	1 7 8
1 9 6¼	1 9 10	1 10 1¾	1 10 5¼	1 10 9
1 12 5¾	1 12 9¾	1 13 1¾	1 13 5¾	1 13. 9⅜
1 15 5¼	1 15 9⅛	1 16 2	1 16 6¼	1 16 10⅜
3 10 10¼	3 11 7	3 12 4	3 13 0⅜	3 13 9⅛
5 6 3⅛	5 7 4¼	5 8 5⅜	5 9 7	5 10 8¼
7 1 8⅛	7 3 2¼	7 4 7¾	7 6 1⅛	7 7 7
8 17 1¾	8 18 11¾	9 0 9⅜	9 2 7⅜	9 4 5¾
10 12 7	10 ■ 9¼	10 16 11⅜	10 19 2	11 1 4⅛
12 8 0	12 10 6¾	12 13 1¾	12 15 8⅛	12 18 3¼
14 3 5¼	14 6 4⅛	■ 9 3⅛	■ 12 2¾	14 15 ■
15 18 10¼	16 2 2	16 5 5⅛	16 8 9¼	16 12 0⅜
17 14 3⅛	17 17 11⅛	18 1 7⅛	18 5 3⅛	18 8 11⅜
19 9 8⅛	19 13 9	19 17 9⅛	20 1 9⅜	20 5 10¼
21 5 1¾	21 9 6⅛	21 13 11⅛	21 18 4¼	22 2 9
23 0 7	23 5 4¼	■ 10 1¼	23 14 10⅛	23 19 7¾
24 16 0	25 1 1⅜	25 6 3¼	25 11 5	25 16 6⅛
26 11 5¼	26 ■ 11¼	27 2 5¼	27 7 11⅛	27 13 5¼
28 6 10½	28 12 8¾	28 18 7¼	29 4 5⅛	29 10 4
30 2 3⅛	30 8 6¼	30 14 9⅛	31 1 0	31 7 2⅜
31 17 8¾	32 4 4	32 10 ■1	32 17 6¼	33 4 1⅛
33 13 1¾	34 0 1½	34 7 1	34 14 0¾	35 1 0¼
35 8 7	35 15 11	36 3 3	36 10 7	36 17 11
70 17 2	71 11 10	72 6 6	73 1 2	73 15 10
106 5 9	107 7 9	108 9 9	109 11 9	110 13 9
141 14 4	143 3 8	144 13 0	■■ 2 4	147 11 8
177 2 11	178 ■ 7	180 16 3	182 12 11	184 9 7
212 11 6	214 15 6	216 19 6	219 3 6	221 7 6
248 0 1	250 11 5	253 2 9	255 14 1	258 5 5
283 8 8	286 7 4	289 6 0	292 4 8	295 3 4
318 17 3	322 ■ 3	325 9 3	328 15 3	332 1 3
354 5 10	357 19 2	361 12 6	365 5 10	368 19 2
708 11 8	715 18 4	723 5 0	730 11 8	737 18 ■

RULE FOR THE USE OF THE FOREGOING TABLE.

Let it be proposed to ascertain from this table what sum of money is to be paid for redeeming or purchasing a land tax of 17*l.* 16*s* 11½*d.* when the price of 3*l.* per cent. bank annuities transmitted to the receivers general shall be 70 and under 71.

In the column denominated 70 and under 71.

£10	0	0	—	258	19 2
7	0	0	—	181	5 6
0	16	0	—	20	14 4
0	0	11	—	1	3 8½
0	0	0½	—	0	1 7½
£17	16	11½		462	4 3½

Amount of money to be paid for the redemption or purchase is £462 4 3½.

CHAPTER CXIX.

AN ACT to suppress certain Games and Lotteries not authorized by Law.

[28th June 1802.]

WHEREAS evil-disposed persons do frequently resort to public houses and other places to set up certain mischievous games or lotteries, called little goes, and to induce servants, children, and unwary persons to play at the said games, and thereby most fraudulently obtain great sums of money from servants, children, and unwary persons, to the great impoverishment and utter ruin of many families: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all such games or lotteries, called little goes, shall, from and after the passing of this Act, be deemed and are hereby declared common and public nuisances, and against law.

All games or lotteries called little goes declared public nuisances and illegal.

II. AND be it further enacted, that from and after the first day of July one thousand eight hundred and two no person or persons whatsoever shall publicly or privately keep any office or place to exercise, keep open, show, or expose to be played, drawn, or thrown at or in, either by dice, lots, cards, balls, or by numbers or figures, or by any other way, contrivance, or device whatsoever, any game or lottery called a little goe, or any other lottery whatsoever not authorized by Parliament, or shall knowingly suffer to be exercised, kept open, shown, or exposed to be played, drawn, or thrown at or in, either by dice, lots, cards, balls, or by numbers or figures, or by any other way, contrivance, or device whatsoever, any such game or lottery, in his or her house, room, or place, upon pain of forfeiting for every such offence the sum of five hundred pounds, to be recovered in the Court of Exchequer, at the suit of his Majesty's attorney general, and to be to the use of his Majesty, his heirs and successors; and every person so offending shall be deemed a rogue and vagabond within the true intent and meaning of an Act passed in the seventeenth year of the reign of his late Majesty King George the Second, intituled "An Act to amend and make more effectual the laws relating to "rogues, vagabonds, and other idle and disorderly persons, and to houses "of correction," and shall be punishable as such rogue and vagabond accordingly.

Persons keeping any office or place for any game or lottery not authorized by law, &c., shall forfeit 500*l.*, to be recovered by information, and shall be deemed rogues and vagabonds within the meaning of 17 Geo. 2. c. 5.

III. PROVIDED always, and be it further enacted, that every person offending against this Act in manner herein-before mentioned, against whom no information shall have been made as aforesaid, shall be deemed a rogue and vagabond within the true intent and meaning of an Act passed in the seventeenth year of the reign of his late Majesty King George the Second, intituled "An Act to amend and make more effectual the laws relating to rogues "vagabonds, and other idle and disorderly persons, and to houses of correction;" and also of another Act passed in the twenty-seventh year of the reign of his present Majesty, intituled "An Act to render more effectual the "laws now in being for suppressing unlawful lotteries;" and shall be punishable as such rogue and vagabond, according to the said Acts and this Act.

Persons so offending, against whom no such information shall have been made, shall be punished as rogues and vagabonds according to 17 G. 2. c. 5. and 27 G. 3. c. 1.

IV. AND be it further enacted, that upon complaint or information made upon oath before any justice or justices of the peace of any offence committed against this Act in any house or place within the jurisdiction of any such

Any justice, on complaint, may authorize persons to

justice or justices, whereby any of the offenders may be liable to punishment as rogues and vagabonds, it shall and may be lawful to and for the said justice or justices before whom such oath shall be taken, if he or they shall judge it reasonable, by special warrant under his or their respective hands and seals to authorize and empower any person or persons, by day or by night (but if in the night-time, then in the presence of a constable or other lawful officer of the peace, who are hereby required to be aiding or assisting therein), to break open the doors or any part of such house or place where such offence shall have been committed, and to enter into such house or place, and to seize and apprehend all such offenders and all other persons who shall be discovered in such house or place, and who shall have knowingly aided or assisted or been anyways concerned with any such offender or offenders in committing such offence, and to convey them before any justice or justices of the peace of the county, riding, division, city, liberty, or place wherein such persons shall be so apprehended, to be dealt with according to law as aforesaid; and all persons who shall be discovered in such house or place knowingly aiding, assisting, or anyways concerned with such offender or offenders in the carrying on any transactions respecting the said little goes or lotteries, or either of them, shall be deemed rogues and vagabonds, and punishable in like manner as is directed by the said recited Act of the seventeenth year of the reign of his late Majesty King George the Second; and it shall and may be lawful for the officer or officers having the execution of such warrant, and all other persons acting in his or their aid or assistance, to stop, arrest, and detain all and every the person and persons so discovered in such house or place, and to convey the said person and persons before such justice or justices of the peace as aforesaid; and if any person or persons shall forcibly obstruct, oppose, molest, or hinder any such officer or officers, or others acting in his or their aid or assistance, in the due execution of their duty, or in the due entering into such house or place, or in the seizing, detaining, or conveying before such justice or justices any such offenders or other persons as aforesaid, every such person so obstructing, opposing, molesting, or hindering as aforesaid shall be deemed an offender against law and the public peace, and the court before whom any such offender shall be tried and convicted shall and may order such offender to be fined, imprisoned, and publicly whipped, as in their discretion shall be thought fit; and all persons, although not discovered in such house or place as aforesaid, who shall employ or cause to be employed any person or persons in carrying on any of the transactions aforesaid, or in aiding or assisting any such person or persons, shall be deemed rogues and vagabonds, and shall be punishable in like manner as is directed by an Act passed in the twenty-seventh year of the reign of his present Majesty.

break open the doors, &c. of places where such offences shall have been committed, and to apprehend offenders and others assisting them, and carry them before a justice.

Persons assisting offenders shall be deemed rogues and vagabonds.

Penalty for obstructing persons in the execution of their duty.

Persons employing others, though not discovered in the premises, shall be deemed rogues and vagabonds.

V. AND be it further enacted, that from and after the passing of this Act any person or persons whatever shall, on or under any pretence, device, form, denomination, or description whatsoever, promise or agree to pay any sum or sums, or to deliver any goods, or to do or forbear doing anything for the benefit of any person or persons, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket or tickets, lot or lots, numbers or figures, in any such game or lottery, or to publish any proposal for any of the purposes aforesaid; and if any person or

Persons agreeing to pay any sum, or to deliver any goods, &c. on any event relative to such game or lottery, or publishing any proposal so to do, shall forfeit 100*l.*

persons shall offend in any of the matters aforesaid, he, she, or they shall for every offence forfeit and pay the sum of one hundred pounds.

Offenders may be apprehended on the spot by any person, and carried before a justice; who shall, on conviction and default of payment of the penalty, commit the offender.

VI. AND be it further enacted, that it shall and may be lawful for any person whatever to apprehend on the spot any person or persons so offending, and to convey or cause to be conveyed before any magistrate or justice of the peace residing near the place where such offence shall be committed the person or persons so apprehended, to be proceeded against under this Act; and when any person or persons shall be apprehended or brought before any magistrate or justice aforesaid for any such offence, it shall be lawful for such magistrate or justice to proceed to examine into the circumstances of the case, and upon due proof upon oath or solemn affirmation of any such offence committed against this Act to give judgment or sentence accordingly; and where the party accused shall be convicted of such offence, and such penalty shall not be immediately paid, to commit such offender to prison for any space of time not exceeding six calendar months, nor less than one calendar month, without bail or mainprize, and without appeal, or until such penalty shall be satisfied; . . . . . .

The provisions of 27 G. 3. c. 1. shall extend to this Act and to c. 54. of this session.

VII. AND be it further enacted, that from after the passing of this Act all pains, forfeitures, fines, and penalties, and all provisions, powers, authorities, rules, regulations, restrictions, exemptions, and exceptions, clauses, matters, and things contained in an Act passed in the twenty-seventh year of the reign of his present Majesty, intituled "An Act to render more effectual the laws now "in being for suppressing unlawful lotteries," [a] shall extend and be deemed, construed, and taken to extend, and shall apply and be in full force and put in execution in all cases and for all purposes as to all the provisions of this Act, and of another Act passed in this session of Parliament, intituled "An Act for "granting to his Majesty a certain sum of money to be raised by lotteries," in all cases where no special or different provision is made by this or the said last-recited Act, in as full and ample a manner to all intents and purposes as if the said Act, and all pains, forfeitures, fines, and penalties, provisions, powers, authorities, rules, regulations, restrictions, exemptions, exceptions, clauses, matters, and things contained and enacted therein, were particularly and expressly repeated and re-enacted in the body of this present Act, and had been repeated and enacted in the body of the said recited Act of this session of Parliament.

General issue.

VIII. AND be it further enacted, that if any sheriff's officer or other person or persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such sheriff's officer or other person or persons shall and may plead the general issue, and give this Act and the special matter in evidence in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or prosecution, or be non-suited, or judgment shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them against any such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Treble costs.

[a The incorporated sections of this Act will be found in the Appendix.]

43 GEORGE III. A.D. 1802–3.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE SIXTEENTH DAY OF NOVEMBER, A.D. 1802,
IN THE FORTY-THIRD YEAR OF THE REIGN OF KING GEORGE THE THIRD,
BEING THE FIRST SESSION OF THE SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER X.

AN ACT to amend so much of an Act made in the Forty-second Year of the Reign of His present Majesty, intituled "An Act for amending the Laws "relating to the Militia in England, and for augmenting the Militia," as relates to the Exemption of licensed Teachers of any separate Congregation from serving in the Militia. [29th December 1802.]

Recital of 42 Geo. 3. c. 90.

WHEREAS an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act for amending the laws relating to "the militia in England, and for augmenting the militia": And whereas doubts have arisen as to the exemption under the said Act of licensed teachers of separate congregations from serving in the militia: And whereas it is expedient that such doubts should be removed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no licensed teacher of any separate congregation, who shall have been licensed twelve months at the least previous to the yearly general meeting appointed by the said recited Act to be held in October, shall be liable to serve personally, or provide a substitute to serve in the said militia; anything in the said Act contained to the contrary notwithstanding.

No teacher of any separate congregation licensed 12 months previous to the yearly meeting appointed by recited Act shall be liable to serve, or to provide a substitute to serve in the militia.

CHAPTER XLVI.

AN ACT for the more effectual Prevention of frivolous and vexatious Arrests and Suits; and to authorize the levying of Poundage upon Executions in certain Cases. [27th May 1803.]

FOR the more effectual prevention of frivolous and vexatious arrests, and for the relief of persons imprisoned on mesne process; . . . . . .

[III.*] AND whereas it does and may happen that persons arrested upon mesne process may not be able to find sufficient sureties for their appearance at the return of the writ, and yet may be able to make a deposit of the money for which they are so arrested, together with a competent sum for costs: And whereas it is expedient that persons arrested should upon making such deposit be permitted to go at large until the return of the writ without finding bail

[* This Section is rep., so far as it relates to England, 32 & 33 Vict. c. 83. s. 20.]

Persons arrested on mesne process, instead of giving bail, may deposit with the sheriff, &c. the sum indorsed on the writ, with 10*l.* to answer costs, &c., and shall be thereupon discharged.

to the sheriff for their appearance at the return thereof: Be it therefore enacted by the authority aforesaid, that all persons who shall, from and after the first day of June in the year of our Lord one thousand eight hundred and three, be arrested upon mesne process within those parts of the United Kingdom of Great Britain and Ireland called England and Ireland, shall be allowed, in lieu of giving bail to the sheriff, to deposit in the hands of the sheriff, by delivering to him or to his under-sheriff or other officer, to be by him appointed for that purpose, the sum indorsed upon the writ by virtue of the affidavit for holding to bail in that action, together with ten pounds, in addition to such sum, to answer the costs which may accrue or be incurred in such action up to and at the time of the return of the writ, and also such further sum of money, if any, as shall have been paid for the King's fine upon any original writ, and shall thereupon be discharged from such arrest as to the action in which he, she, or they shall so deposit the sum indorsed on the writ; and that the sheriff shall in every such case, at or before the return of the said writ, pay into the court in which such writ shall be returnable the sum of money so deposited with him as aforesaid; and thereupon, in case the defendant or defendants shall afterwards duly put in and perfect bail in such action according to the course and practice of such court, the sum of money so deposited and paid into court as aforesaid shall, by order of the court upon motion to be made for that purpose, be repaid to such defendant or defendants; but in case the defendant or defendants shall not duly put in and perfect bail in such action, then and in such case the said sum of money so deposited and paid into court as aforesaid shall, by order of the court upon a like motion to be made for that purpose, be paid over to the plaintiff or plaintiffs in such action, who shall be thereupon authorized to enter a common appearance or file common bail for such defendant or defendants, if the said plaintiff or plaintiffs shall so think fit; such payment to the plaintiff or plaintiffs to be made subject to such deductions, if any, from the sum of ten pounds deposited and paid to answer the costs as aforesaid, as upon the taxation of the plaintiff's costs, as well of the suit as of his application to the court in that behalf, may be found reasonable.

The deposit shall be paid into court; and if the defendant put in bail, shall on motion be ordered to be repaid to him; but, if bail be not put in, it shall on motion be ordered to be paid over to the plaintiff, who may enter appearance or file bail for the defendant.

* * * * * * * * *

In actions on judgments recovered, plaintiffs not entitled to costs, unless otherwise ordered.

IV. AND be it further enacted, by the authority aforesaid, that in all actions which shall be brought in England or Ireland, from and after the said first day of June in the said year of our Lord one thousand eight hundred and three, upon any judgment recovered or which shall be recovered in any court in England or Ireland, the plaintiff or plaintiffs in such action on the judgment shall not recover or be entitled to any costs of suit, unless the court in which such action on the judgment shall be brought, or some judge of the same court shall otherwise order.

* * * * * * * * *

Any defendant in custody on mesne process may, in vacation, justify bail before one of the judges, &c. who may discharge him out of custody

[VI.[a] AND be it further enacted, that from and after the said first day of June one thousand eight hundred and three, if any defendant shall be taken, detained, or charged in custody at the suit of any person or persons upon mesne process issuing out of any of his Majesty's courts of record at Westminster or Dublin, and shall be imprisoned or detained thereon after the return of such process, it shall and may be lawful for such defendant in vacation

[a] This Section is rep., so far as it relates to England, 32 & 33 Vict. c. 83. s. 20.]

› only, and upon due notice thereof given to the attorney for the plaintiff laintiffs in such process, to put in and justify bail before any one of the ices or barons of the court out of which such process shall have issued, may, if he shall think fit, thereupon order a rule to issue for the allow- › of such bail, and may further order such defendant to be discharged out ustody by writ of supersedeas, or otherwise, according to the practice of ı court, in like manner as the same is and may be done by an order of ‹t in term time.

by writ of supersedeas, &c.

CHAPTER XLVII.

ACT for consolidating and amending the several Laws for providing Relief for the Families of Militia Men of England, when called out into actual Service. [a] [27th May 1803.]

WHEREAS it is expedient that many of the provisions contained in the several Acts relating to the relief directed to be given to the non-com- ›ioned officers, drummers, fifers, and privates serving in the militia for land, should be repealed, and others of them continued and amended, and new provisions should be made; and it would greatly tend to the better ›ution thereof if the whole of the said provisions were comprised in one of Parliament: . . . . . .

I. AND be it further enacted, that if any person serving or enrolled in the tia of England as a non-commissioned officer or drummer, or as a ballotted ı or substitute, hired man, or volunteer respectively, shall, when embodied called out into actual service, leave a family unable to support themselves, overseer or overseers of the poor of the parish, tything, or township where family of such person shall dwell shall, by order of some one justice of the ›e, pay to the family of every such non-commissioned officer, drummer, otted man, substitute, hired man, or volunteer respectively, out of the rates the relief of the poor of such parish, tything, or township, a weekly allow- › according to the usual and ordinary price of labour in husbandry within said county, riding, division, district, or place where such family shall ›ll, by the following rule; that is to say, any sum not exceeding the price ›ne day's such labour, nor less than one shilling, for each and every child ı in wedlock, and under the age of ten years; and for the wife of such -commissioned officer, drummer, ballotted man, substitute, hired man, or ınteer, whether he shall or shall not have any child or children, any sum exceeding the price of one day's such labour, nor less than one shilling:

The families of non-commissioned officers, drummers, or private militia men in England embodied, and called out into actual service, and unable to support their families, shall receive a weekly allowance out of the poor rates.

So much of this Act as directs overseers of the poor, by order of some one justice ıe peace, to pay to the family of any person serving or enrolled as a ballotted man, titute, hired man, or volunteer in the militia of England, a weekly allowance, or as orizes any justice or justices to order such allowance to be paid under the rules conditions herein provided, or as in any way discharges such ballotted man, sub- te, hired man, or volunteer from the liability to maintain or repay the costs of ıtenance of his family or any part thereof, or as prevents such families or any part ›of from being removable to their place of legal settlement, or sent to any work- ›e, by reason of their receiving any allowance or being chargeable, rep., 4 & 5 Will. 4. ›. s. 60.]

A new rate shall be raised where necessary.

And in every parish, tything, or township where the money arising by such rates shall not be sufficient for the purpose aforesaid a new rate or rates shall be made for raising a sum sufficient for that purpose.

The justices at any Michaelmas quarter sessions may regulate the rate of allowance.

III. AND be it further enacted, that it shall be lawful for the justices of the peace, assembled at any Michaelmas general quarter sessions of the peace held for any county, riding, division, or place in England raising any militia, to settle, ascertain, and regulate the rate of allowance to be paid under this Act to the families of militia men resident within such county, riding, division, or place; and every such rate of allowance so settled, ascertained, and regulated as aforesaid shall be binding upon all justices of the peace making any order for the payment of allowance under this Act in such county, riding, division, or place, until any other or new rate of allowance shall be settled as aforesaid.

No allowance shall be made to the wife or family of any person till he shall have joined his corps, nor longer than he shall remain in actual service, nor in any case in which the wife shall follow the corps or leave her children or depart from her home, unless under certificate for obtaining work, &c.

IV. PROVIDED always, and be it further enacted, that no allowance shall be ordered or paid under this Act to the wife or family of any person serving in the militia, until such person shall have joined the regiment, battalion, or corps to which he belongs, or for any longer period than such person shall continue to serve and remain embodied in actual service, nor in any case in which the wife, in respect of or by whom any such relief is demanded, shall follow the regiment, battalion, or corps in which her husband shall serve, or shall leave her child or children, if any, or depart from her home, unless under certificate of any neighbouring justice of the peace, or the overseer or overseers of the parish in which such relief shall be given, authorizing such departure for a time specified therein for the purposes of harvest, or obtaining by work a better support for her family, or unless for the purpose of going to reside and residing in the parish, tything, or place, for which her husband shall serve, in case at the time of her husband being called out into actual service she shall be residing in any other parish, tything, or place.

* * * * * * * * *

No allowance to the family of any non-commissioned officer or drummer reduced to the ranks for misconduct.

VI. PROVIDED also, and be it further enacted, that no allowance under this Act shall be paid to the family of any non-commissioned officer or drummer reduced for misconduct to the condition of a private man, such reduction being certified by the commanding officer or adjutant to the clerk of the general meetings, and by him to the treasurer of the county, riding, or place in the militia of which such non-commissioned officer or drummer shall serve, and by such treasurer to the overseers of the poor of the parish, tything, or township in which such family shall dwell; and every such allowance shall cease and determine from the time of such reduction being so certified to the overseers as aforesaid, and be no longer payable, notwithstanding any order of any justice to the contrary; and every such family requiring relief shall from and after that time be relieved as casual poor only.

Such family to be relieved as casual poor only.

* * * * * * * * *

Families shall not be sent to any workhouse for receiving such allowances; nor shall persons, to whose families relief is paid, be deprived of their legal settlements or votes.

VIII. PROVIDED always, and be it further enacted, that the families of non-commissioned officers, drummers, or ballotted men, or of substitutes, hired men, or volunteers shall not be removeable or sent to any workhouse or poorhouse by reason of receiving any such allowances; nor shall any persons to whose families any such allowances shall be paid be thereby deprived of their legal settlements elsewhere, or of their right of voting for the election of members to serve in Parliament.

IX. AND be it further enacted, that every such weekly allowance to be paid under this Act to the family of any non-commissioned officer or drummer shall be repaid to the overseer or overseers of the poor of the parish, tything, or township in which such family was relieved by the treasurer of the county, riding, or place, in which such parish, tything, or township is situated, out of the publick stock thereof; and every weekly allowance which shall be so paid to the family of any non-commissioned officer or drummer in any other county, riding, or place, than that for which such non-commissioned officer or drummer shall serve, or to the family of any private man in any other parish, tything, or township, than the one for which such private militia man shall serve, [Rep., Stat. Law Rev. Act, 1872.] shall respectively be reimbursed in the manner hereinafter mentioned.

Repayment to the overseers of the poor of allowances to non-commissioned officers, &c.

Reimbursement of allowances paid in counties for which such other officers, &c. do not serve.

X. PROVIDED always, and be it further enacted, that in all cases where a certain number of private militia men are directed to be raised for any county, together with or including any city, borough, town, or place in England, being a county or district of itself not contributing to the general county rate, the several sums of money raised for the relief of the families of non-commissioned officers and drummers respectively shall be divided and apportioned between and borne by such county and such city, borough, town, or place, being a county or district of itself, or not contributing to the general county rate, in such proportions as the respective numbers of militia men apportioned to be raised in and by such county, and by such city, borough, town, and place respectively bear to each other.

Where counties and places not contributing to the county rates raise militia men together, relief to families of non-commissioned officers, &c. shall be apportioned between them according to the number of men raised for each.

XI. AND be it further enacted, that the treasurers of any such county, city, borough, town, and place respectively are hereby authorized and required to demand, receive, and make payment of such proportions and sums of money, the one to the other of them, as the case may require.

Treasurers to demand and pay such proportions to one another.

XII. AND be it further enacted, that if any dispute or disagreement shall arise as to the proportion so to be paid as aforesaid, or any other matter or thing relating thereto or to such payments, the lord lieutenant of the said county at large, and in his absence the deputy lieutenants or any three or more of them, at any meeting called or to be called, may and shall and he and they is and are hereby empowered and required to adjust and settle the same, whose decision therein shall be final; and the said lord lieutenant, and deputy lieutenants or any three or more of them, is and are respectively hereby authorized and empowered to call for, require, and inspect the account and accounts of every such treasurer for the purpose of adjusting and settling their said proportion.

Disputes as to proportions to be settled by the lieutenant of the county or three deputy lieutenants.

XIII. AND be it further enacted, that in all cities, towns, liberties, divisions, and places which do not contribute to the general county rates, and where no treasurer is yet appointed, the justices of the peace for every such city, town, liberty, division, and place, in case there are any, and if not, then the justices of the county wherein such city, town, liberty, division, and place shall be, shall and may and they are hereby required at their general quarter sessions to appoint a treasurer, and from time to time to assess upon every parish, tything, township, hamlet, and vill, within the liberties of such cities, towns, liberties, divisions, and places, in such proportions as the rates heretofore made for the relief of the poor have usually been assessed, and shall cause to be paid out of the money collected and levied for the relief of the

In places not contributing to the county rate, where no treasurer is appointed, the justices in quarter sessions shall appoint one, and make assessments, &c.

poor of every such parish, tything, township, hamlet, and vill, into the hands of such treasurer, such sum and sums of money as are, shall, and may be in their discretion necessary for the purposes of this Act; and such treasurer shall pay and dispose of the same accordingly, and shall be and act in all respects, in respect to the provisions of this Act, the same as the treasurer or treasurers of peculiar districts where a publick stock is now raised.

Reimbursement by the overseers of the parish for a which a private man shall serve of allowances made to his family in any other parish, &c.

XIV. AND be it further enacted, that in every case in which any allowance under this Act shall be paid to the family of any private militia man in any other parish, tything, or township than that for which such private militia man shall serve, it shall be lawful for the justice of the peace who shall make any order for the relief of such family to certify the same under his hand, and in such certificate to direct the overseers of the parish, tithing, or township for which such private militia man shall serve to reimburse the money so paid to the overseer or overseers who shall have advanced the same in pursuance of the order before mentioned. [Rep., Stat. Law Rev. Act, 1872.]

Where such reimbursement cannot be conveniently procured from such overseers, repayment may be demanded from the treasurer of the county, &c. in which the allowances were paid.

XV. PROVIDED always, and be it further enacted, that where, by reason of the distance of any parish, tything, or township, in which any allowance under this Act shall be so paid to the family of any private militia man serving for any other parish, tything, or township, from such other parish, tything, or township, where the same shall be situate in any other county, riding, division, or place, the overseer or overseers of the poor entitled to the repayment of such allowances under any such order and certificate as aforesaid, cannot conveniently procure the repayment thereof from the overseers of the poor of the parish, tything, or township for which such private militia man shall have served or be serving, it shall be lawful for such overseer or overseers to demand repayment of such allowances from the treasurer of the county, riding, or division in which the parish, tything, or township where such allowances shall have been paid shall be situate; and every such treasurer shall, upon production of such order and certificate as aforesaid, forthwith reimburse such allowances to the overseer or overseers demanding the same. [Rep., Stat. Law Rev. Act, 1872.]

Treasurers reimbursing overseers for allowances to families of non-commissioned officers, &c. serving for other counties shall transmit an account signed by a justice to the treasurer of the county, &c. for which they shall serve, who shall repay the same.

XVI. PROVIDED also, and be it further enacted, that every such treasurer as aforesaid, who shall reimburse to any such overseer or overseers as aforesaid any sum or sums of money in pursuance of this Act, on account of any such weekly allowance paid to the family of any non-commissioned officer or drummer, or any private militia man [Rep., Stat. Law Rev. Act, 1872.] serving in the militia of any other county, riding, or division, shall deliver or transmit an account of such money as he shall have so reimbursed as aforesaid, signed by one or more justice or justices of the peace for the county, riding, city, town, liberty, division, or place where such family shall dwell, to the treasurer of the county, riding, city, town, liberty, division, or place in the militia whereof such non-commissioned officer, drummer, or private militia man [Rep. Stat. Law Rev. Act, 1872.] shall serve, and thereupon the treasurer to whom such account shall have been delivered or transmitted as aforesaid shall an he is hereby required forthwith to pay to the treasurer who shall have s delivered or transmitted such account the sum or sums so by him reimburse to such overseer or overseers, and shall be allowed the same in his accounts.

Treasurer repaying such allowances to another treasurer shall transmit the signed account to the justices at the next quarter sessions, who shall allow the same.

XVII. AND be it further enacted, that every treasurer who shall repay any treasurer of any other county, riding, or division, any such allowances aforesaid on any such signed account as aforesaid shall transmit such signe account, and also an account of all monies so repaid by him in pursuan thereof, to the justices of the peace for the county, riding, or division at t next or general quarter sessions of the peace, or any subsequent session which accounts so received shall be allowed by the justices at such sessions;

. . . . . .

subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the above mentioned Acts, or any or either of them.

In Plymouth allowances shall be paid by the treasurer of the corporation of the poor, and shall be raised as the poor rates, &c.

XX. PROVIDED also, and be it further enacted, that within the borough of Plymouth all allowances to be made by virtue of this Act to the families of persons serving in the militia shall be paid by the treasurer or treasurers of the corporation of the governor, deputy governor, assistants, and guardians of the poor of the said borough of Plymouth; and that the same shall be ascertained, assessed, raised, collected, and levied by such and the same ways and means as the money raised for the relief of the poor within the said borough is, by virtue of the several Acts of Parliament now in force for the relief of the poor within the said borough, or any or either of them, directed to be raised; and it shall be lawful for the several persons authorized to put the said Acts in execution to cause to be raised and levied such sum or sums as shall be necessary for that purpose, over and above what they are already authorized to raise for the relief of the poor of the said borough; and all and every person and persons who are by the said Acts, or either of them, required to do any act, matter, or thing for the ascertaining, assessing, confirming or altering of assessments, collecting and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things for the ascertaining, assessing, confirming or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the above mentioned Acts, or either of them; and also in the same manner and by the same ways and means to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor for the maintenance of such wives and families, and shall cause the same to be repaid to the treasurer of the said corporation.

Accounts of allowances to be reimbursed under this Act shall be made up and signed by the justices, and the money due demanded of the overseers, &c. within certain periods.

XXI. PROVIDED always, and be it further enacted, that accounts of all allowances paid under this Act, in respect whereof any reimbursement shall be directed by this Act, shall be made up at the end of every successive six months, or shorter period, from the time of the first commencing the payment thereof, and shall be signed by the justices granting certificates for the reimbursement thereof, or by some other justices of the same county, riding, division, or place, within one month after the respective periods up to which such accounts shall be made up, and the money due on such account shall, as soon as the same can be done, be demanded of the overseers of the poor of the parish, township, or place, or treasurers required to make such reimbursement as aforesaid; and no such sum of money shall be demanded or demandable, unless the same shall have been so first certified within one month as aforesaid, and delivered to the overseer of the parish, township, or place, or treasurer, by whom such reimbursement is to be paid, within three months after such certifying thereof as aforesaid.

Where more than a wife and three children shall become chargeable, the overseers of

XXII. AND be it further enacted, that in every case in which the family of any private man serving in the militia of any county, riding, or place in England, when called out and embodied for actual service, shall become chargeable in respect of any greater number than the wife and three children

respectively under the ages of ten years, it shall be lawful for the overseers of the poor of the parish, tything, township, or place for which such man shall serve, or in which the family of such man shall reside, to provide another fit and able man between the ages of eighteen years and thirty-five years, and having no wife or any child under the age of ten years, to serve in the stead of the man having such family as aforesaid; and the colonel or commanding officer of the regiment, battalion, or corps to which such men shall belong, upon such other man being duly examined, approved of, and enrolled as a fit and able man, and joining at the head quarters of the said regiment, battalion, or corps, may and shall discharge or cause to be discharged the man in whose stead such other person shall be so produced, approved, and enrolled as aforesaid: Provided always, that the pay of every such person so provided as aforesaid shall commence and be drawn only from the day of the discharge of the man in whose stead he shall have been provided, and not before; any thing in any Act contained to the contrary notwithstanding: Provided also, that no such private militia man shall be discharged at any other period of the year than between the first day of November and the twenty-fifth day of March.

the poor may provide another man to serve in room of the father; and the pay of the substitute shall commence from the discharge of the man in whose room he is provided, &c.

[XXIII.[a]] AND be it further enacted, that all payments made by any overseer or overseers in pursuance of any order or certificate of any justice or justices of the peace under this Act shall be allowed and passed in their respective accounts in like manner as other expences incurred on account of the militia are now by law passed and allowed; and if any overseer of the poor shall, on demand made in pursuance of any order or certificate of any justice or justices of the peace for the payment of any sum of money by virtue of this Act, and production of such order or certificate to him, refuse or neglect to pay and satisfy the sum or sums of money directed to be paid in or by such order or certificate, every such overseer of the poor so refusing or neglecting to make such payment shall, for every such neglect, forfeit the sum of five pounds, to be recovered upon the oath of one or more credible witness or witnesses, or by the confession of the party accused, before the justice making such order, or any other justice of the peace of the county, riding, division, city, or place where the offence shall be committed; which said justice is hereby authorized and required, upon any information exhibited or complaint made in that behalf, to summon the party accused, and to examine into the matter of fact, and upon due proof thereof as aforesaid to give judgment for such penalty, to be levied by distress and sale of the offender's goods and chattels, in case the same shall not be forthwith paid, by warrant under the hand and seal of such justice, causing the overplus (if any), after deducting the charges of such distress and sale, to be rendered to the party; and the penalty so adjudged shall be paid, one moiety thereof to the party who shall inform for the same, and the other moiety thereof to the poor of the parish to the overseers of which any such sum of money ought to have been paid.

Payments made by overseers under this Act shall be allowed as other expences on account of the militia; and if any overseer shall not pay money ordered by a justice, he shall forfeit 5*l.*, which may be recovered by distress.

Application of penalty.

* * * * * * * * *

XXVI. AND be it further enacted, that if any person shall find himself aggrieved by any order of any justice or justices of the peace for the payment of any such sum of money as aforesaid, it shall and may be lawful for such

Appeal may be made to the quarter sessions.

[a] This section is rep., so far as it relates to the certificate of any justice or justices, Stat. Law Rev. Act, 1872.

person to appeal to the justices of the peace at the next general or quarter sessions of the peace for the same county, riding, division, city, or place, when any demand in pursuance of such order shall be made as aforesaid, who are hereby empowered to hear and finally determine the same; and it shall be lawful for the said justices at such sessions to award and order, where they shall see occasion, the payment of such sum and sums of money which such appellant, as churchwarden or overseer of the poor, ought to have paid in pursuance of such order made by virtue of this Act, and hath neglected to pay in manner aforesaid.

Quarter sessions may order recompence to the treasurers out of the county stock for trouble while the militia are embodied.

XXVII. AND be it further enacted, that it shall be lawful for the justices of the peace, at any general quarter sessions of the peace to be held for each respective county, riding, city, town, division, and place in England, to order and direct such recompence and satisfaction as they shall think just and reasonable to be made and given to the respective treasurers for their extraordinary trouble, labour, and expences in the execution of their respective offices while the militia is embodied and in actual service, for such time and in such manner as they shall think proper, to be paid or allowed out of the publick stock or treasure of every such county, riding, town, division, and place respectively.

* * * * * * * * *

CHAPTER L.

AN ACT for more speedily completing the Militia of Great Britain, raised under Two Acts, passed in the Forty-second Year of the Reign of his present Majesty; and for amending the said Acts. [11th June 1803.]

WHEREAS it is expedient that effectual provision should be made for completing the militia forces, and punishing all persons deserting from or making default by not appearing or absenting themselves from duty in the militia; and also to amend an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act for amending the laws relating to "the militia in England, and for augmenting the militia"; and another Act passed in the forty-second year aforesaid, intituled "An Act to raise and "establish a militia force in Scotland": . . . . . .

Recital of 42 Geo. 3. c. 90. and 42 Geo. 3. c. 91.

Deficiencies or vacancies shall be certified from time to time by the respective commandants to the clerk to the general meetings, and notified by him to the clerks of the subdivision meetings; and the deputy lieutenants shall proceed to fill them up by ballot or otherwise.

II. AND be it further enacted, that from and after the passing of this Act, all deficiencies or vacancies that shall remain or have arisen in the militia of any county, riding, stewartry, city, or place in Great Britain shall be certified from time to time by the respective colonel or other commandant of such militia to the clerk to the general meetings; and the clerk to the general meetings shall forthwith give notice thereof to the clerks of the subdivision meetings within which any such vacancies shall have arisen, [and the deputy lieutenants shall thereupon, within seven days after such notices, assemble in their respective subdivisions, and immediately proceed to the filling up such deficiencies or vacancies by ballot, or otherwise, according to the provisions of the said recited Acts.[a]]

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[a] The part of this section enclosed in brackets is rep., so far only as it relates to the militia raised in England, Stat. Law Rev. Act, 1872.

III. AND be it further enacted, that from and after the passing of this Act it shall be lawful for the deputy lieutenants, in their respective subdivisions, and they are hereby required, in case any person ordered to be drawn out and embodied shall have made or shall make default by not appearing, or by desertion, or absence from duty, and shall not be taken within one month from the time of such default, desertion, or absence, to declare a vacancy, and forthwith to fill up the same according to the provisions of the said Acts and this Act, any thing in the said recited Acts contained to the contrary notwithstanding.

If any person ordered to be drawn out shall not appear, or shall desert, &c. and shall not be taken within a month, the deputy lieutenants shall fill up the vacancy.

IV. AND be it further enacted, that the respective colonels or other commandants of the regiments, battalions, corps, and independent companies of militia in Great Britain shall, during the period of the militia being embodied and called out into actual service, transmit to the justices of the peace or magistrates, assembled at the several general quarter sessions of the peace held for the respective counties, ridings, divisions, stewartries, cities, or places in Great Britain, to the militia of which they belong, at the Michaelmas quarter sessions of the peace next after the passing of this Act, and also to the justices and magistrates assembled at every succeeding quarter sessions of the peace, certificates in the form in the schedule to this Act annexed marked (A.), of the deficiencies and vacancies that remain to be filled up in their respective regiments, battalions, corps, or independent companies; and the justices of the peace or the magistrates assembled at such sessions shall, at such sessions, assess the penalty of ten pounds for each private man so certified to be deficient as aforesaid, in manner directed by the said recited Acts; and if, at the general quarter sessions of the peace immediately succeeding the quarter sessions of the peace at which any such assessment shall have been made, any deficiency or deficiencies, in respect whereof any such assessment shall have been made, shall not have been made good and filled up according to the provisions of the said Acts and of this Act, the justices or magistrates assembled at such succeeding general quarter sessions shall forthwith assess and levy, in like manner as aforesaid, a further and additional penalty of ten pounds for every private man so deficient, and shall from time to time, at every succeeding general quarter sessions of the peace, proceed to assess and levy further and additional penalties as aforesaid of ten pounds for each private man deficient, until such deficiency or deficiencies shall have been filled up; and such several penalties may and shall be assessed, levied, recovered, and applied according to the provisions of the said recited Acts.

Commandants shall transmit to the general quarter sessions certificates of deficiencies of numbers in the form in schedule (A.); and the justices there assembled shall assess 10*l.* for each man certified to be deficient, and at every succeeding sessions shall assess a further penalty of 10*l.* for every person so deficient, whose vacancy shall not then have been filled up.

V. AND whereas the deficiencies in the militia occasioned by men sworn or inrolled in the militia making default by not appearing or joining their respective regiments, battalions, or corps, when ordered to be embodied, or deserting therefrom, or absenting themselves, are productive of great expence and inconvenience to the counties, ridings, stewartries, cities, and places to which such men belong, and are very detrimental to the publick service: Be it therefore enacted, that in case his Majesty shall by any proclamation think fit graciously to extend his pardon to all such militia men who shall have so made default, by not appearing, or by desertion, or absence from duty, and who shall return to and join their respective regiments, battalions, corps, or independent companies of militia, or deliver themselves up at the head quarters of any other

If his Majesty shall, by proclamation, pardon deserters, &c. who shall deliver themselves up by a certain day, the commandants

lamation of his Majesty for that purpose, or to supply any future vacancies hat may arise among the men to be provided by such parish, tything, or place.

No seafaring man shall be enrolled in the militia.

VII. AND be it further enacted, that no seaman or seafaring man shall hereafter be enrolled in the militia of Great Britain, either as a substitute or volunteer.

Deputy lieutenants shall ballot for the supplementary militia out of the lists already returned, unless new ones shall be necessary.

VIII. AND be it further enacted, that the deputy lieutenants shall ballot for all men to be enrolled for the supplementary militia out of the lists already returned for the balloting of the militia under the said recited Acts, without making any new lists, unless it shall appear to them in particular cases to be absolutely necessary for the levying such supplementary militia, and without making any other alterations in the before mentioned lists than he necessary and proper amendments of such lists according to the provisions of the said recited Acts.

Men before enrolment, shall be examined upon oath as to their residence, age, and family, according to the form in schedule (B).

IX. AND be it further enacted, that every ballotted man, substitute, and volunteer to be enrolled to serve in the militia of Great Britain shall, before such enrolment, be examined upon oath before the deputy lieutenants as to his residence, age, and family; and the oath so administered to him shall be in the words and according to the form and effect in the schedule to this Act annexed marked (B).

Persons chosen by ballot subsequent to his Majesty's proclamation for enrolling the supplementary militia (not being Quakers) and not serving, or providing a substitute, shall forfeit 15*l.*

[X.[a] AND be it further enacted, that every person chosen by ballot to serve in the militia, subsequent to the date of his Majesty's proclamation for levying and enrolling the supplementary militia, (not being one of the people called Quakers) who shall refuse or neglect to appear and take the oath, and serve in the militia, or to provide a substitute in manner directed by the said recited Acts, shall forfeit and pay the sum of fifteen pounds in lieu and in stead of the sum of ten pounds in the said recited Acts mentioned, to be levied and recovered in manner in the said Acts mentioned; any thing therein contained to the contrary notwithstanding.

Vacancies by promotion of privates to be serjeants, &c. in consequence of augmentation shall be certified, and other men provided as directed by recited Acts in case of vacancies by promotion or death, &c.

XI. AND be it further enacted, that from and after the passing of this Act all vacancies that shall have been or shall hereafter be occasioned in the militia by the appointment of any private militia men to be serjeants, corporals, or drummers, in consequence of any augmentation, shall be certified, [and other men found and provided to supply such vacancies,] in like manner in every respect as is directed in the said recited Acts in relation to any vacancies arising by the appointment of any private militia man to be a serjeant, corporal, or drummer, upon the death or discharge of any non-commissioned officer or drummer.

Bounty money to substitutes for Quakers shall be paid upon certificate of the deputy lieutenants providing them out of the poor rates, &c.

XII. AND be it further enacted, that from and after the passing of this Act, where any deputy lieutenant shall provide any substitute for any Quaker under the provisions of the said recited Acts, the sum of money which such deputy lieutenants shall have agreed to give to such substitute shall be paid to such substitute, upon the certificate of such deputy lieutenant, by the overseer of the poor of the parish, tything, or place for which such substitute shall be provided, out of the poor rates of such parish, tything, or place; and such

[a] Section 10, and the part of section 11. enclosed in brackets are rep., so far only as they relate to the militia raised in England, Stat. Law Rev. Act, 1872.]

sum of money shall be levied in manner directed by the said Act, and repaid to the overseers who shall have advanced the same.

Persons neglecting to appeal within the appointed time shall be liable to penalty.

[XIII.[a] AND be it further enacted, that on the making out or amending of any lists, after the passing of this Act, of persons fit to serve in the militia, every person who shall wilfully neglect to appeal within the time appointed for that purpose shall forfeit for every such offence any sum not exceeding twenty shillings nor less than five shillings, at the discretion of any two or more deputy lieutenants, or justices of the peace, or magistrates; and on non-payment thereof be imprisoned at the discretion of any two or more deputy lieutenants, or justices of the peace, or magistrates as aforesaid, for any time not exceeding one week.

If any person ballotted shall refuse to be examined as to his fitness to serve, he may be imprisoned.

[XIV.[a] AND be it further enacted, that if any person whose name shall be inserted in any list made and amended after the passing of this Act, and whose name shall be drawn upon the ballot, shall refuse, when required by any two or more deputy lieutenants, justices of the peace, or magistrates, to be examined as to his fitness to serve in the militia, according to the provisions of the said recited Acts and this Act, such person may, at the discretion of any two or more deputy lieutenants, or justices of the peace, or magistrates, be imprisoned for any time not exceeding one week.

High constables, &c. insuring for providing substitutes or volunteers shall forfeit 50*l*.

XV. AND be it further enacted, that from and after the passing of this Act, if any high constable or chief or other constable or any adjutant, quartermaster, or serjeant in the militia shall insure or take any money for the insurance of, or be in any way concerned in any company, society, partnership, or office for the insurance of any person or persons, for the providing any substitute or volunteer, or substitutes or volunteers, or for the paying or returning any money for the providing any substitute or volunteer, or substitutes or volunteers in the militia, for any person or persons who may be ballotted to serve in the militia, every such high constable or chief or other constable, or adjutant, quartermaster, or serjeant as aforesaid shall forfeit for every such offence fifty pounds, to be recovered as any penalty may be recovered under the said recited Act.

SCHEDULES to which this Act refers.

SCHEDULE (A).

County of or, Riding of or, Stewartry of or, City or Place [as the case may be].

CERTIFICATE of Number of Vacancies; dated the day of

Subdivisions.	Parishes.	Total Number of Quota.	Numbers of Men actually serving.	Vacancies to be filled up.

[a] Rep., as to the militia to be raised in England, 23 & 24 Vict. c. 120. s. 26.

SCHEDULE (B.).

FORM of OATH.

I do make oath that I am by my trade a and have been usually resident in the parish of in the county of that I am unmarried [or, have a wife living, as the case may be]; and that I have no children, [or, only one child, born in wedlock]; and that I have no rupture, nor ever was troubled with fits, and am no ways disabled by lameness or otherwise, but have the perfect use of my limbs; that I am not a seaman or seafaring man, or an apprentice; and that I do not belong to his Majesty's navy, army, or marines, nor to any other corps of militia. As witness my hand, at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

Witness present.

CHAPTER LI.

AN ACT to render more effectual an Act passed in the Forty-second Year of His present Majesty's Reign, for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax.

[11th June 1803.]

Recital of 42 G. 3. c. 116.

WHEREAS by an Act passed in the forty-second year of his Majesty's reign, intituled "An Act for consolidating the provisions of the several "Acts passed for the redemption and sale of the land tax into one Act, and "for making further provision for the redemption and sale thereof, and "for removing doubts respecting the right of persons claiming to vote at "elections for knights of the shire, and other members to serve in Parliament, "in respect of messuages, lands, or tenements, the land tax upon which shall "have been redeemed or purchased," it is enacted, that the amount of the money to be paid as the consideration for the redemption or purchase of land tax in the cases therein specified shall be calculated, settled, and ascertained according to the price of stock to be from time to time transmitted to the receivers general or their deputies in England, or to the collectors in Scotland, in the manner therein directed and according to the table in the schedule to the said Act annexed marked (L.), and the rules and directions therein contained: And whereas the said table contains only the amount of the several sums of money to be paid for the redemption or purchase of land tax when the three pounds per centum bank annuities are at any prices between sixty and par: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whenever the price of the three pounds per centum bank annuities to be transmitted pursuant to the directions of the said Act shall be at any price between fifty and sixty, the amount of the money to be paid as the whole or

When the price of three per cent. bank annuities shall be between 50*l.* and 60*l.* the consideration for the redemption or pur-

chase of land tax shall be settled according to the table in the annexed schedule; and the rules in the recited Act for calculating the amount, &c. shall be observed.

as any instalment or instalments of the consideration for the redemption or purchase of any land tax shall be settled and adjusted, and the payments made according to the table contained in the schedule to this Act annexed; and all and every the rules and directions in the said Act or in the said schedule thereto contained in relation to the calculating, ascertaining, settling, and adjusting the amount of the money to be paid as the whole or as any instalment or instalments of the consideration for such redemption or purchase of land tax as aforesaid in cases where the price of three pounds per centum bank annuities shall be above sixty, shall in so far as the same are applicable be used, observed, and practised in relation to the calculating, settling, ascertaining, and adjusting the amount of the money to be paid as the whole or as any instalment or instalments of the consideration for such redemption or purchase in cases where the price of the said annuities shall be between fifty and sixty, in the same manner as if such rules and directions had been repeated in the body of this Act or in the schedule hereto.

When necessary the Treasury may direct tables to be formed to meet any variation in the prices of the bank annuities.

II. AND be it further enacted, that whenever, by reason of any variations in the prices of the three pounds per centum bank annuities which are not specified in and provided for by the tables contained in the said respective schedules to the said recited Act and this Act annexed, it shall become necessary that other tables should be transmitted to the respective receivers or their deputies in England, or to the collectors in Scotland, in order to enable them to calculate, settle, and ascertain the amount of the money to be paid as the consideration for the redemption or purchase of any land tax, it shall be lawful for the commissioners of his Majesty's Treasury, or the lord high treasurer for the time being, to order and direct that proper tables adapted to meet such variations in the prices of the said bank annuities as aforesaid shall be formed and constructed upon the same principles as the tables contained in the said schedules to the said recited Act and this Act are formed and constructed; and that such tables shall be transmitted by the commissioners for the affairs of taxes to the respective receivers general or their deputies in England, and to the collectors in Scotland; and such tables so transmitted as aforesaid shall be as valid and effectual to enable such receivers general and their deputies and such collectors respectively to ascertain, settle, and adjust the amount of the money to be paid as the whole or as any instalment or instalments of the consideration for the redemption or purchase of any land tax, as if such tables had been contained in the said schedule to this Act annexed.

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SCHEDULE to which this Act refers.

TABLE shewing the several Sums payable for the Redemption or Purchase of Land Tax of the yearly Amounts denoted in the First Column, when the Three Pounds per Centum Bank Annuities are at any Price between Fifty and Sixty, as denoted in the Second and subsequent Columns.

Land Tax to be redeemed or purchased.	50 and under 51.	51 and under 52.	52 and under 53.	53 and under 54.	54 and under 55.
¼ -	0 0 4¾	0 0 4¾	0 0 4¾	0 0 5	0 0 5
½ -	0 0 9½	0 0 9½	0 0 9¾	0 0 9¾	0 0 10
¾ -	0 1 2	0 1 2¼	0 1 2⅜	0 1 2¾	0 1 3
D. 1 -	0 1 6½	0 1 7	0 1 7¼	0 1 7¾	0 1 8
2 -	0 3 1½	0 3 1¾	0 3 2⅜	0 3 3¼	0 3 4
3 -	0 4 7¾	0 4 8¾	0 4 10	0 4 11	0 5 0
4 -	0 6 2¼	0 6 3¾	0 6 5¼	0 6 6¾	0 6 8
5 -	0 7 8¾	0 7 10¾	0 8 0½	0 8 2¼	0 8 4¼
6 -	0 9 3¼	0 9 5½	0 9 7¾	0 9 10	0 10 0¼
7 -	0 10 10	0 11 0½	0 11 3	0 11 5½	0 11 8¼
8 -	0 12 4½	0 12 7½	0 12 10½	0 13 1¼	0 13 4¼
9 -	0 13 11	0 14 2¼	0 14 5¾	0 14 9	0 15 0¼
10 -	0 15 5½	0 15 9¼	0 16 1	0 16 4¾	0 16 8¼
11 -	0 17 0¾	0 17 4¼	0 17 8¼	0 18 0¼	0 18 4¼
S. 1 - -	0 18 6¾	0 18 11¼	0 19 3½	0 19 8	1 0 0¼
2 - -	1 17 1½	1 17 10¼	1 18 7	1 19 4	2 0 0¾
3 - -	2 15 8¼	2 16 9½	2 17 10¾	2 18 11¾	3 0 1
4 - -	3 14 3	3 15 8½	3 17 2¼	3 18 7¾	4 0 1½
5 - -	4 12 9¾	4 14 7¾	4 16 6	4 18 3¾	5 0 1¾
6 - -	5 11 4½	5 13 7	5 15 9½	5 17 11¾	6 0 2
7 - -	6 9 11½	6 12 6	6 15 0¾	6 17 7¾	7 0 2⅛
8 - -	7 8 6	7 11 5¼	7 14 4⅛	7 17 3⅛	8 0 2¾
9 - -	8 7 0¾	8 10 4¼	8 13 8	8 16 11⅛	9 0 3¼
10 - -	9 5 7½	9 9 3½	9 12 11⅛	9 16 7⅛	10 0 3½
11 - -	10 4 2¼	10 8 2¾	10 12 3	10 16 3⅛	11 0 3¾
12 - -	11 2 9	11 7 1¾	11 11 7⅛	11 15 11⅛	12 0 4¼
13 - -	12 1 3¾	12 6 1	12 10 10¼	12 15 7⅛	13 0 4⅛
14 - -	12 19 10½	13 5 0	13 10 1⅜	13 15 3½	14 0 4⅜
15 - -	13 18 5¼	14 3 11¼	14 9 5¼	14 14 11¼	15 0 5¼
16 - -	14 17 0	15 2 10⅛	15 8 8⅜	15 14 7¼	16 0 5½
17 - -	15 15 6¾	16 1 9⅛	16 8 0½	16 14 3½	17 0 6
18 - -	16 14 1½	17 0 8⅜	17 7 4	17 13 11	18 0 6¼
19 - -	17 12 8¼	17 19 7¼	18 6 7⅛	18 13 7	19 0 6¾
£1 - -	18 11 3	18 18 7	19 5 11	19 13 3	20 0 7
2 - -	37 2 6	37 17 2	38 11 10	39 6 6	40 1 2
3 - -	55 13 9	56 15 9	57 17 9	58 19 9	60 1 9
4 - -	74 5 0	75 14 4	77 3 8	78 13 0	80 2 4
5 - -	92 16 3	94 12 11	96 9 7	98 6 3	100 2 11
6 - -	111 7 6	113 11 6	115 15 6	117 19 6	120 3 6
7 - -	129 18 9	132 10 1	135 1 5	137 12 9	140 4 1
8 - -	148 10 0	151 8 8	154 7 4	157 6 0	160 4 8
9 - -	167 1 3	170 7 3	173 13 3	176 19 3	180 5 3
10 - -	185 12 6	189 5 10	192 19 2	196 12 6	200 5 10
20 - -	371 5 0	378 11 8	385 18 4	393 5 0	400 11 8

SCHEDULE—continued.

Land Tax to be redeemed or purchased.	55 and under 56.	56 and under 57.	57 and under 58.	58 and under 59.	59 and under 60.
¼ -	0 0 5	0 0 5¼	0 0 5¼	0 0 5¼	0 0 5⅓
½ -	0 0 10¼	0 0 10½	0 0 10½	0 0 10¾	0 0 11
¾ -	0 1 3¼	0 1 3½	0 1 3¾	0 1 4	0 1 4⅓
D. 1 -	0 1 8½	0 1 8¾	0 1 9¼	0 1 9½	0 1 9⅔
2 -	0 3 4¾	0 3 5½	0 3 6¼	0 3 7	0 3 7⅔
3 -	0 5 1¼	0 5 2¼	0 5 3½	0 5 4⅓	0 5 5⅓
4 -	0 6 9½	0 6 11	0 7 0½	0 7 2	0 7 3⅓
5 -	0 8 6	0 8 7¾	0 8 9¾	0 8 11½	0 9 1¼
6 -	0 10 2⅓	0 10 4⅓	0 10 6¾	0 10 9	0 10 11¼
7 -	0 11 10¾	0 12 1⅓	0 12 4	0 12 6½	0 12 9
8 -	0 13 7¼	0 13 10	0 14 1	0 14 4	0 14 7
9 -	0 15 3⅓	0 15 6¾	0 15 10¼	0 16 1⅓	0 16 4⅔
10 -	0 16 11¾	0 17 3¾	0 17 7¼	0 17 11	0 18 2⅔
11 -	0 18 8¼	0 19 0⅓	0 19 4⅓	0 19 8½	1 0 0⅓
S. 1 - -	1 0 4¼	1 0 9¼	1 1 1⅓	1 1 6	1 1 10⅔
2 - -	2 0 9½	2 1 6¼	2 2 3	2 3 0	2 3 8⅔
3 - -	3 1 2¼	3 2 3½	3 3 4¾	3 4 5¾	3 5 7
4 - -	4 1 7	4 3 0½	4 4 6¼	4 5 11¾	4 7 5⅓
5 - -	5 1 11¾	5 3 9¾	5 5 7¾	5 7 5¾	5 9 3⅔
6 - -	6 2 4½	6 4 7	6 6 9¼	6 8 11¾	6 11 2
7 - -	7 2 9¼	7 5 4	7 7 10¾	7 10 5¾	7 13 0⅓
8 - -	8 3 2	8 6 1¼	8 9 0½	8 11 11½	8 14 10⅔
9 - -	9 3 6¾	9 6 10¼	9 10 2	9 13 5½	9 16 9⅓
10 - -	10 3 11½	10 7 7½	10 11 3½	10 14 11½	10 18 7⅓
11 - -	11 4 4¼	11 8 4¾	11 12 5	11 16 5⅓	12 0 5⅔
12 - -	12 4 9	12 9 1¾	12 13 6½	12 17 11½	13 2 4⅓
13 - -	13 5 1¾	13 9 11	13 14 8¼	13 19 5¼	14 4 2⅓
14 - -	14 5 6½	14 10 8	14 15 9¾	15 0 11¼	15 6 1
15 - -	15 5 11¼	15 11 5¼	15 16 11¼	16 2 5¼	16 7 11⅓
16 - -	16 6 4	16 12 2½	16 18 0¾	17 3 11¼	17 9 9⅓
17 - -	17 6 8¾	17 12 11½	17 19 2¼	18 5 5¼	18 11 8
18 - -	18 7 1½	18 13 8¾	19 0 4	19 6 11	19 13 6⅓
19 - -	19 7 6¼	19 14 5¾	20 1 5½	20 8 5	20 15 4⅔
£1 - -	20 7 11	20 15 3	21 2 7	21 9 11	21 17 3
2 - -	40 15 10	41 10 6	42 5 2	42 19 10	43 14 6
3 - -	61 3 9	62 5 9	63 7 9	64 9 9	65 11 9
4 - -	81 11 8	83 1 0	84 10 4	85 19 8	87 9 0
5 - -	101 19 7	103 16 3	105 12 11	107 9 7	109 6 3
6 - -	122 7 6	124 11 6	126 15 6	128 19 6	131 3
7 - -	142 15 5	145 6 9	147 18 1	150 9 5	153 0
8 - -	163 3 4	166 2 0	169 0 8	171 19 4	174 18
9 - -	183 11 3	186 17 3	190 3 3	193 9 3	196 15
10 - -	203 19 2	207 12 6	211 5 10	214 19 2	218 12
20 - -	407 18 4	415 5 0	422 11 8	429 18 4	437 5 0

CHAPTER LIX.

AN ACT for remedying certain Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in England. [24th June 1803.]

WHEREAS the inhabitants of counties in that part of the United Kingdom called England are by law bound to repair, support, and maintain the publick bridges, commonly called county bridges, within such counties respectively, and the roads at each of the ends thereof for limited distances; but the laws empowering them so to do are insufficient and defective: And whereas doubts have arisen how far the said inhabitants are liable to improve such bridges when they are not sufficiently commodious for the publick: For remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful to and for the surveyor of bridges and other publick works in each and every county respectively within that part of the United Kingdom called England, appointed or to be appointed by the justices at any general quarter sessions of the peace to be holden for such county, and the said surveyor is hereby authorized and empowered, to search for, take, and carry away gravel, stone, sand, and other materials for the repair of such bridges and roads at the ends thereof as the inhabitants of counties are bound to repair, and to remove obstructions and annoyances from such bridges and roads in such and and the same manner as the surveyor or surveyors of any common highway within this kingdom is or are by an Act made and passed in the thirteenth year of the reign of his present Majesty, intituled "An Act to explain, amend, and reduce into one Act of Parliament the statutes now in being for the amendment and preservation of the publick highways within that part of Great Britain called England, and for other purposes," authorized to do; and the several powers and authorities thereby vested in the surveyor or surveyors of highways, as well for the getting of materials as the preventing and removing of all nuisances and annoyances from such bridge and roads, shall be and the same are hereby vested in the surveyor and surveyors of county bridges and the roads at the ends thereof as aforesaid; and the several penalties, forfeitures, matters, and things in the said Act contained relating to highways shall be and the same are hereby extended and applied, as far as the same are applicable, to such bridges and the roads at the ends thereof as aforesaid as fully and effectually as if the same and every part thereof were herein repeated and re-enacted; the said surveyor or surveyors making satisfaction and compensation for all trespass and damage done in the execution of the powers of this Act in such and the same manner as the surveyors of highways are required to make in and by the said above mentioned Act of the thirteenth year of the reign of his present Majesty [a].

Surveyors of county bridges empowered to get materials for the repair of bridges in the same manner as surveyors of turnpike roads.

13 Geo. 3. c. 78.

II. AND be it further enacted, that where any bridge or bridges or roads at the ends thereof, repaired at the expence of any county, shall be narrow and incommodious, it shall and may be lawful to and for the said justices at any of their general quarter sessions, to order and direct such bridge or bridges

Quarter sessions may widen and alter the situation of county bridges, &c.

[a] The incorporated sections of this Act will be found in the Appendix.

and roads to be widened, improved, and made commodious for the publick; and that where any bridge or bridges, repaired at the expence of any county, shall be so much in decay as to render the taking the same wholly down necessary or expedient, it shall and may be lawful to and for the said justices at any of their said general quarter sessions to order and direct the same to be rebuilt, either on the old scite or situation, or on any new one more convenient to the publick, contiguous to or within two hundred yards of the former one, as to such justices shall seem meet; and if, for the purpose of altering the situation, or of widening or enlarging any such bridge or bridges, road or roads as aforesaid, it shall be necessary to purchase any land or ground, it shall and may be lawful for such county surveyor or surveyors, by and under the direction of such justices at their general quarter sessions as aforesaid, to set out and ascertain the same, not exceeding in the whole one acre at any one such bridge as aforesaid, and to contract and agree with the owner or owners of such land and persons interested therein for the purchase thereof, either by a sum in gross or by an annual rent, at the option of such owner or owners; and if the said surveyor or surveyors cannot agree with the said owner or owners for the purchase thereof or the recompence to be made for the same, or by reason of such owner or owners not being to be found shall be prevented from treating, then and in every such case the said justices in their general quarter sessions shall impannel a jury, and assess the compensation and satisfaction for such land, and for the trespass and damage to be done by the execution of the powers of this Act, in the same manner as they are authorized and empowered to do by the said above mentioned Act of the thirteenth year of the reign of his present Majesty in relation to highways; and all and every the clauses, powers, provisions, exemptions, penalties, matters, and things in the said Act contained, as well with respect to impannelling juries, examining and swearing witnesses, payments of expences, enabling bodies politick, corporate, and collegiate, and other incapacitated persons to sell and convey, and all other the powers and provisions of the said Act [a], shall be and the same are hereby extended and applied to the works by this Act authorized to be done and performed, as far as the same are applicable, as fully and effectually to all intents and purposes as if the same were herein particularly repeated and re-enacted; provided that no money shall be applied to the amendment or alteration of any such bridge or bridges, until presentment shall have been made of the insufficiency, inconveniency, or want of reparation of such bridge or bridges, in pursuance of some or one of the statutes made and now in force concerning public bridges.

Purchase of land for such purposes.

III. AND be it further enacted, that the right and property of all tools, implements, timber, bricks, stones, gravel, and other materials purchased, gotten, or had, or to be purchased, gotten or had, by or by the order of justices in counties or the surveyor of county bridges for the time being, or in any respect belonging to such counties, shall be and the same are hereby vested in such surveyor for the time being; in whom upon any action or indictment being commenced or prosecuted, such property may be laid [b].

Tools and materials provided by the quarter sessions, &c. shall be vested in the surveyor.

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[a] The incorporated sections of this Act will be found in the Appendix.]

[b] So much as relates to laying the property in the surveyor of county bridges in any indictments, rep., 7 Geo. 4. c. 64. s. 32.]

IV. AND be it further enacted, that the inhabitants of counties shall and may sue for any damages done to bridges and other works maintained and repaired at the expence of such counties respectively and for the recovering of any property belonging to such counties in the name of their surveyor, and also shall and may be sued in the name of such surveyor; and no action or prosecution to be brought or commenced by or against the inhabitants of counties by virtue of this Act in the name of the said surveyor shall abate or be discontinued by the death or removal of such surveyor, or by the act of the surveyor without the consent of the justices at their general quarter sessions assembled, but the surveyor for the time being shall be deemed the plaintiff or defendant in such actions, as the case may be: Provided always, that every such surveyor in whose name any action or suit shall be commenced, prosecuted, or defended in pursuance of this Act shall always be reimbursed and paid out of the monies in the hands of the treasurer of the publick stock of such county respectively all such costs and charges as he shall be put unto or become chargeable with by reason of his being so made plaintiff or defendant therein, and also all the costs and charges of prosecuting any indictment or indictments or other proceedings against any person or persons whomsoever.

Inhabitants of counties may sue for damages done to bridges, &c. in the name of the surveyor.

V. AND for the more clearly ascertaining the description of bridges hereafter to be erected, which inhabitants of counties shall and may be bound or liable to repair and maintain, be it further enacted, that no bridge hereafter to be erected or built in any county by or at the expence of any individual or private person or persons, body politick or corporate, shall be deemed or taken to be a county bridge, or a bridge which the inhabitants of any county shall be compellable or liable to maintain or repair, unless such bridge shall be erected in a substantial and commodious manner under the direction or to the satisfaction of the county surveyor, or person appointed by the justices of the peace at their general quarter sessions assembled, or by the justices of the peace of the county of Lancaster at their annual general sessions; and which surveyor or person so appointed is hereby required to superintend and inspect the erection of such bridge when thereunto requested by the party or parties desirous of erecting the same; and in case the said party or parties shall be dissatisfied, the matter shall be determined by the said justices respectively at their next general quarter sessions, or at their annual general sessions in the county of Lancaster.

Description of bridges which inhabitants of counties shall be liable to repair.

VI. AND be it further enacted, that all orders and proceedings made and had within the county of York relative to county bridges shall in future be made and had by the justices of the respective ridings assembled at the annual and general quarter sessions of the peace holden the first whole week after Easter, and at no other sessions whatever within such ridings, except at such adjournment as shall be made at the above annual and general quarter sessions so holden as aforesaid for the express purpose of carrying such orders made as aforesaid into effect: Provided nevertheless, that it shall and may be lawful for any two justices of the said ridings respectively, in cases of emergency, to give such orders for making temporary bridges, or such temporary repairs as shall be necessary for the temporary accommodation of the publick.

Orders, &c. respecting county bridges in the county of York shall be made at the sessions held the first week after Easter, or an adjournment thereof, except in cases of emergency.

VII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend to any bridges or roads which any person or persons, bodies politick or corporate is, are, or shall be liable to maintain or repair by reason of

Act not to extend to bridges repaired by reason of

nexed to the said Act should be repealed, and another schedule should be enacted in lieu thereof, and that the said Act should be amended: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the schedule to the said recited Act annexed, and so much of the said recited Act as relates to the said schedule, or to the extending the provisions thereof to the said schedule, shall be and the same are hereby repealed, and that instead and lieu thereof the schedule to this Act annexed shall be construed with the said recited Act, and as a part thereof, and shall, in the execution of the said recited Act and this Act, be applied and construed in like manner as if the schedule to this Act had been annexed to the said recited Act, and was especially enacted therein; and all powers, authorities, directions, and provisions of the said Act, and every reference therein contained to the schedule thereunto annexed, and all fines, penalties, forfeitures, matters, and things relating thereto or in the said Act contained, in relation to the duties granted by the said Act, or to any of the provisions of the said Act, shall (except where the same are hereby expressly varied) be applied, construed, deemed, and taken to refer to the schedule to this Act annexed, and to all the clauses and provisions of this Act, and shall be extended to and construed in like manner as if the schedule to this Act annexed, and the clauses and provisions in this Act contained, had been enacted in the said recited Act, and as fully as if all the said powers, authorities, directions, provisions, clauses, fines, penalties, forfeitures, matters, and things had been severally re-enacted in this Act. [Rep., Stat. Law Rev. Act, 1872.]

The schedule and so much of the recited Act as relates thereto repealed, and the schedule hereto annexed to be deemed a part of the recited Act.

Persons receiving from proprietors, &c. articles subject to duty without labels, and not returning them or informing the commissioners, shall forfeit 20*l.*

II. AND be it further enacted, that if any person who shall receive from any proprietor, compounder, or original or first vender, or any agent or agents, or person or persons employed by any such proprietor, compounder, original or first vender, any article or articles whatever subject to any duty granted by the said recited Act, for the purpose of selling the same again, without the label or labels denoting the proper duty being first duly affixed thereto, and shall not within ten days return the same to the person or persons from whom such article or articles was or were received, or within that space of time given information thereof to the commissioners at the head office in Somerset Place, and deposit such article or articles with the nearest distributor of stamps, he or she shall forfeit for every such offence the sum of twenty pounds, to be recovered as any penalty imposed by the said Act may be recovered under the said Act and this Act.

On the outside of parcels containing twelve inclosures shall be written "medicines," &c.

Revenue officers may open suspected parcels, and seize articles not labelled.

III. AND be it further enacted, that upon the outside of all parcels, boxes, trunks, or packages in which shall be contained one dozen or more of packets, boxes, bottles, pots, phials, or other inclosures, containing any article in the said Act mentioned, and subject to duty under the said recited Act or this Act, sent by any proprietor, compounder, or original vender thereof, or any agent or agents, or person or persons employed by him, her, or them, to any retail vender, by any publick conveyance, or which shall be about to be exported, the word "medicines" shall be written, and also the name of such proprietor, compounder, or original vender, and of the person or persons sending or exporting the same, if not such proprietor, compounder, or original vender thereof; and that it shall be lawful for any officers of the customs or excise, or any person appointed by the commissioners for managing the duties arising on stamped vellum, parchment, or paper, by authority in writing under the hand of any magistrate or justice of the peace (which authority any magistrate or justice of the peace is hereby empowered and required to grant, on information given to and proved before him on oath (which oath such magistrate or justice of the peace is hereby authorized to administer), that

the like necessity of soliciting alms, and it is expedient that they also should be declared free and exempt from the fines and penalties of the said Acts: Be it further enacted, that the wife of any non-commissioned officer or soldier ordered for foreign service making due proof of her not being permitted to embark with her husband before the mayor or chief magistrate of the city, town, port, or corporate place nearest to or within fifteen miles from the place at which the regiment to which the said non-commissioned officer or soldier belongs is ordered to embark, or of any other city, town, port, or corporate place at which the said regiment shall happen to be on its march under orders for embarkation, shall receive from such mayor or chief magistrate a certificate under his hand and the corporate seal of such city, town, port, or place, stating the place to which she is desirous of going, being her home or place of legal settlement, together with the time to be fixed, not exceeding ten days for every one hundred miles, and so in proportion, except for a reasonable cause to be expressed in such certificate; and such person having and producing to such person as shall lawfully demand the same such certificate, and being in her route accordingly both as to time and road, shall not by reason of asking relief be deemed to be a rogue or vagabond within the meaning of the said Acts or either of them.

Wives of non-commissioned officers or soldiers, on making proof of not being permitted to embark with their husbands, shall receive from the nearest mayor, &c. a like certificate of their home or place of settlement, which will entitle them to ask relief while in their route thereto, &c.

III. AND be it further enacted by the authority aforesaid, that in case of accident or sickness duly proved, which shall prevent the person having such certificate from proceeding on his or her journey according to the terms prescribed therein, it shall and may be lawful to and for the chief magistrate of any other city, town, port, or corporate place, where such person shall be or shall arrive, to grant a new certificate, stating therein the true reasons for granting the same, and containing the like provisions as are herein-before described, and annex the same to the former certificate.

New certificate may be affixed to the former in case of delay from accident or sickness.

IV. AND be it further enacted, that certificates or passes granted as heretofore from the Office of Admiralty or War Office to discharged sailors, soldiers, or marines, or to the families of sailors, soldiers, or marines serving abroad or lately deceased, to carry them to their respective homes, shall have the same effect and force to all intents and purposes whatever as the certificates herein permitted to be given by the magistrate as aforesaid; and that the terms of the same may be extended in each instance which shall appear to require it by a new certificate from another magistrate in manner herein-before mentioned.

Certificates from the Admiralty or War Office to discharged men, &c. shall have the same effect as certificates of mayors, &c.

CHAPTER LXXIII.

AN ACT to amend an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled "An Act to repeal an Act passed in the "Twenty-fifth Year of the Reign of His present Majesty, for granting "Stamp Duties on certain Medicines, and for charging other Duties in "lieu thereof; and for making effectual Provision for the better Collection "of the said Duties." [4th July 1803.]

WHEREAS an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act to repeal an Act passed in the twenty-fifth year of "the reign of his present Majesty, for granting stamp duties on certain medicines, and "for charging other duties in lieu thereof, and for making effectual provision for the "better collection of the said duties": And whereas it is expedient that the schedule an-

Recital of 42 Geo. 3. c. 56.

nexed to the said Act should be repealed, and another schedule should be enacted in lieu thereof, and that the said Act should be amended: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the schedule to the said recited Act annexed, and so much of the said recited Act as relates to the said schedule, or to the extending the provisions thereof to the said schedule, shall be and the same are hereby repealed, and that instead and lieu thereof the schedule to this Act annexed shall be construed with the said recited Act, and as a part thereof, and shall, in the execution of the said recited Act and this Act, be applied and construed in like manner as if the schedule to this Act had been annexed to the said recited Act, and was especially enacted therein; and all powers, authorities, directions, and provisions of the said Act, and every reference therein contained to the schedule thereunto annexed, and all fines, penalties, forfeitures, matters, and things relating thereto or in the said Act contained, in relation to the duties granted by the said Act, or to any of the provisions of the said Act, shall (except where the same are hereby expressly varied) be applied, construed, deemed, and taken to refer to the schedule to this Act annexed, and to all the clauses and provisions of this Act, and shall be extended to and construed in like manner as if the schedule to this Act annexed, and the clauses and provisions in this Act contained, had been enacted in the said recited Act, and as fully as if all the said powers, authorities, directions, provisions, clauses, fines, penalties, forfeitures, matters, and things had been severally re-enacted in this Act. [Rep., Stat. Law Rev. Act, 1872.]

The schedule and so much of the recited Act as relates thereto repealed, and the schedule hereto annexed to be deemed a part of the recited Act.

Persons receiving from proprietors, &c. articles subject to duty without labels, and not returning them or informing the commissioners, shall forfeit 20*l.*

II. AND be it further enacted, that if any person who shall receive from any proprietor, compounder, or original or first vender, or any agent or agents, or person or persons employed by any such proprietor, compounder, original or first vender, any article or articles whatever subject to any duty granted by the said recited Act, for the purpose of selling the same again, without the label or labels denoting the proper duty being first duly affixed thereto, and shall not within ten days return the same to the person or persons from whom such article or articles was or were received, or within that space of time give information thereof to the commissioners at the head office in Somerset Place, and deposit such article or articles with the nearest distributor of stamps, he or she shall forfeit for every such offence the sum of twenty pounds, to be recovered as any penalty imposed by the said Act may be recovered under the said Act and this Act.

On the outside of parcels containing twelve inclosures shall be written "medicines," &c.

III. AND be it further enacted, that upon the outside of all parcels, boxes, trunks, or packages in which shall be contained one dozen or more of packets, boxes, bottles, pots, phials, or other inclosures, containing any article in the said Act mentioned, and subject to duty under the said recited Act or this Act, sent by any proprietor, compounder, or original vender thereof, or any agent or agents, or person or persons employed by him, her, or them, to any retail vender, by any publick conveyance, or which shall be about to be exported, the word "medicines" shall be written, and also the name of such proprietor, compounder, or original vender, and of the person or persons sending or exporting the same, if not such proprietor, compounder, or original vender thereof; and that it shall be lawful for any officers of the customs or excise, or any person appointed by the commissioners for managing the duties arising on stamped vellum, parchment, or paper, by authority in writing under the hand of any magistrate or justice of the peace (which authority any magistrate or justice of the peace is hereby empowered and required to grant, on information given to and proved before him on oath (which oath such magistrate or justice of the peace is hereby authorized to administer), that

Revenue officers may open suspected parcels, and seize articles not labelled.

there is reason to suspect that any such parcel, box, trunk, or package contains such articles subject to such duties, and not properly labelled according to the provisions of the said recited Act or this Act), to open such parcels, boxes, trunks, or packages, and examine if the proper labels be duly affixed to the articles therein contained; and in case such labels are not affixed thereto according to the provisions of the said recited Act and this Act, to seize the same, and send or deliver the same to the said commissioners at the head office at Somerset Place, who are hereby authorized to reward the officer or officers making any such seizure in such manner as to them shall seem fit.

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Limitation of actions.

V. PROVIDED always, and be it further enacted, that every action, bill, plaint, or information brought, entered, or filed in any court or before any justice of the peace or magistrate for any pecuniary penalty under the said recited Acts or this Act shall be commenced within three months after the forfeiture of such penalty, and not afterwards; and it shall be lawful for any justice of the peace or magistrate, when he shall see cause, to mitigate and lessen any such penalty, the reasonable costs and charges of the officer, person, or informer, as well in making the discovery as in prosecuting the same, being always allowed (if demanded) over and above such mitigation, and so as such mitigation does not reduce such penalty to less than one fourth part thereof, anything in the said recited Act contained to the contrary notwithstanding.

Penalties may be mitigated.

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CHAPTER LXXXVI.

AN ACT to prevent unlawful Combinations of Workmen, Artificers, Journeymen, and Labourers, in Ireland; and for other purposes relating thereto.[a]

[11th July 1803.]

WHEREAS the laws now in force in Ireland against unlawful combinations by and amongst artificers, workmen, journeymen, and labourers have been found to be inadequate to the suppression thereof, whereby it is become necessary that more effectual provision should be made against such unlawful combinations in Ireland, and for preventing such unlawful practices in future, and for bringing such offenders to more speedy and exemplary

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[a] So much of this Act as makes illegal and void contracts, covenants, and agreements for obtaining an advance of wages, or for lessening or altering the hours or time of working, or for decreasing the quantity of work, or for controlling or affecting the conduct or management of any manufacture, trade, or business, and as prohibits the making or entering into or being concerned in the same, and as punishes persons for so doing, and as relates to the combinations herein mentioned, and as relates to endeavouring by gift, persuasion, or solicitation to prevent persons hiring themselves, and as relates to attending the meetings herein mentioned, or endeavouring to induce the attendance of others, and collecting, demanding, asking, or receiving money for the purposes herein mentioned, and as relates to persuading, enticing, soliciting, or endeavouring to induce others to enter into or be concerned in the combinations herein mentioned, and to paying money, making or entering into subscriptions or contributions, and to oaths and declarations, and to tickets, certificates, and tokens, and to contributions supporting and maintaining others as herein mentioned, rep., 6 Geo. 4. c. 129. s. 2.

be lawfully convicted of any of the said offences before any two justices of the peace for the county, city, liberty, town, or place where such offence shall be committed, within three calendar months after the offence shall have been committed, shall by order of such justices be committed to and confined in the common gaol within their jurisdiction for any time not exceeding six calendar months, or otherwise be committed to some house of correction within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding three calendar months.

Penalties on persons contributing towards any expences incurred for acting contrary to this Act, or supporting any person to induce him not to work, or maintaining offenders, or collecting money for such purposes.

V. AND be it further enacted, that no person (whether employed as a journeyman, workman, or labourer in any manufacture, trade, business, or occupation, or not) shall at any time after the passing of this Act wilfully pay or give any sum of money or valuable thing as a subscription or contribution for the purpose of paying the expences incurred or to be incurred by any person or persons acting contrary to the provisions of this Act, or shall by payment of money or other means support or maintain any journeyman, workman, apprentice, labourer, or other person, or contribute towards his support or maintenance for the purpose of inducing him to refuse to work, or to be hired or employed in any manufacture, trade, business, or occupation, or for the purpose of maintaining or supporting any artificer, journeyman, workman, apprentice, or labourer, who, having been guilty of any offence under this Act, shall have been lawfully convicted of the same; and every person who shall be guilty of any such offence shall, on conviction thereof before any two justices of the peace of the county, city, liberty, town, or place where the offence shall be committed, forfeit and lose any sum not exceeding the sum of ten pounds; and every journeyman, workman, labourer, and every person who shall collect or receive any money or valuable thing for any of the purposes aforesaid shall on like conviction forfeit and lose any sum not exceeding the like sum of ten pounds, according to the discretion of the justices before whom such offender or offenders shall be convicted; such penalties respectively to be forfeited, one moiety to his Majesty, and the other moiety to the informer, to be equally divided between them.

Application of penalties.

Any workman, who during his engagement shall refuse to work, or shall absent himself, or shall prevent any person from working, or shall return his work before completed, shall be committed to gaol or a house of correction, on conviction before two justices.

VI. AND be it further enacted, that if any manufacturer, artificer, journeyman, workman, or labourer, being engaged with any master, mistress, or employer in Ireland, shall after such engagement, and during the time for which he shall be so engaged, refuse to work, or shall absent himself from the service of the person by whom he shall be so employed as aforesaid during the accustomed hours of working at such trade or occupation as he shall be accustomed to be employed at, or if hired by the week, month, or year shall neglect to come to work each and every day during the said term on any account or pretext whatsoever, unless prevented by sickness or some other reasonable cause, to the satisfaction of the justices before whom complaint shall be made, or shall hinder, prevent, or molest, or attempt to hinder, prevent, or molest any person or persons from working at any business or occupation on account of the said persons being foreigners, strangers, or natives of any other part of the United Kingdom, or of any other county, city, or place within Ireland, or on any other account whatsoever, or shall refuse or neglect to work in the trade or calling he shall be so engaged for, and in an usual and reasonable manner, being thereunto required by his employer, or shall return his work before the same shall be completely finished without the consent of the person or persons by whom

prevail on any artificer, journeyman, workman, labourer, or other person, hired or employed or to be hired or employed in any manufacture, trade, business, or occupation in Ireland, to quit or leave his work, service, or employment, or who shall wilfully and maliciously hinder or prevent or attempt to hinder or prevent any manufacturer or tradesman, or other person, from employing in his or her manufacture, trade, or business, such artificers, journeymen, workmen, apprentices, labourers, and other persons as he or she shall think proper, or who being hired or employed shall without any just or reasonable cause refuse to work with any other artificer, journeyman, workman, apprentice, or labourer employed or hired to work therein, and who shall be lawfully convicted of any of the said offences before any two justices of the peace for the county, city, liberty, town, or place where such offence shall be committed, within three calendar months next after the offence shall have been committed, shall by order of such justices be committed to and confined in the common gaol within their jurisdiction for any time not exceeding six calendar months, or otherwise be committed to some house of correction within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding three calendar months.

work with any other workman;

IV. AND for the more effectual suppression of all combinations amongst artificers, journeymen, workmen, labourers, and other persons employed in any manufacture, trade, business, or occupation in Ireland, be it further enacted, that all and every person and persons whomsoever (whether employed in any such manufacture, trade, business, or occupation, or not) who shall attend any meeting had or held for the purpose of making or entering into any contract, covenant, or agreement by this Act declared to be illegal, or of entering into, supporting, maintaining, continuing, or carrying on any combination for any purpose by this Act declared to be illegal, or who shall summon, give notice to, call upon, persuade, entice, solicit, or by intimidation or any other means endeavour to induce any artificer, journeyman, workman, apprentice, labourer, or other person employed in any manufacture, trade, business, or occupation, to attend any such meeting, or who shall collect, demand, ask, or receive any sum of money from any such artificer, journeyman, workman, apprentice, labourer, or other person, for any of the purposes aforesaid, or who shall persuade, entice, solicit, or by intimidation or any other means endeavour to induce any such artificer, journeyman, workman, apprentice, labourer, or other person to enter into or be concerned in any such combination, or who shall pay any sum of money, or make or enter into any subscription or contribution, for or towards the support or encouragement of any such illegal meeting or combination, or shall administer or cause to be administered any oath or declaration to any manufacturer, artificer, journeyman, apprentice, or labourer, or to any person or persons whomsoever, tending to fix the price of wages or labour or workmanship, or tending to fix or make any rule, order, agreement, or regulation, respecting any trade, manufacture, or business, or the persons employed or to be employed therein, or shall issue or cause to be issued, or deliver or cause to be delivered any ticket, certificate, or token (other than and except such ticket or certificate as shall or may be delivered by or by the order of the corporation whereof such manufacturer, artificer, journeyman, or labourer is or shall be a member) to any such manufacturer, artificer, journeyman, or labourer, of his being licensed to work at his or their respective trade or trades, and who shall

and also all persons who shall attend any meeting for the purpose of any such illegal contract or combination, or who shall summon, or by intimidation, &c. endeavour to induce any workman to attend such meeting or enter into such combination, &c., or who shall collect or pay any money for such purposes, or administer oaths, or issue tickets, &c.

be lawfully convicted of any of the said offences before any two justices of the peace for the county, city, liberty, town, or place where such offence shall be committed, within three calendar months after the offence shall have been committed, shall by order of such justices be committed to and confined in the common gaol within their jurisdiction for any time not exceeding six calendar months, or otherwise be committed to some house of correction within the same jurisdiction, there to remain and be kept to hard labour for any time not exceeding three calendar months.

Penalties on persons contributing towards any expences incurred for acting contrary to this Act, or supporting any person to induce him not to work, or maintaining offenders, or collecting money for such purposes.

V. AND be it further enacted, that no person (whether employed as a journeyman, workman, or labourer in any manufacture, trade, business, or occupation, or not) shall at any time after the passing of this Act wilfully pay or give any sum of money or valuable thing as a subscription or contribution for the purpose of paying the expences incurred or to be incurred by any person or persons acting contrary to the provisions of this Act, or shall by payment of money or other means support or maintain any journeyman, workman, apprentice, labourer, or other person, or contribute towards his support or maintenance for the purpose of inducing him to refuse to work, or to be hired or employed in any manufacture, trade, business, or occupation, or for the purpose of maintaining or supporting any artificer, journeyman, workman, apprentice, or labourer, who, having been guilty of any offence under this Act, shall have been lawfully convicted of the same; and every person who shall be guilty of any such offence shall, on conviction thereof before any two justices of the peace of the county, city, liberty, town, or place where the offence shall be committed, forfeit and lose any sum not exceeding the sum of ten pounds; and every journeyman, workman, labourer, and every person who shall collect or receive any money or valuable thing for any of the purposes aforesaid shall on like conviction forfeit and lose any sum not exceeding the like sum of ten pounds, according to the discretion of the justices before whom such offender or offenders shall be convicted; such penalties respectively to be forfeited, one moiety to his Majesty, and the other moiety to the informer, to be equally divided between them.

Application of penalties.

Any workman, who during his engagement shall refuse to work, or shall absent himself, or shall prevent any person from working, or shall return his work before completed, shall be committed to gaol or a house of correction, on conviction before two justices.

VI. AND be it further enacted, that if any manufacturer, artificer, journeyman, workman, or labourer, being engaged with any master, mistress, or employer in Ireland, shall after such engagement, and during the time for which he shall be so engaged, refuse to work, or shall absent himself from the service of the person by whom he shall be so employed as aforesaid during the accustomed hours of working at such trade or occupation as he shall be accustomed to be employed at, or if hired by the week, month, or year shall neglect to come to work each and every day during the said term on any account or pretext whatsoever, unless prevented by sickness or some other reasonable cause, to the satisfaction of the justices before whom complaint shall be made, or shall hinder, prevent, or molest, or attempt to hinder, prevent, or molest any person or persons from working at any business or occupation on account of the said persons being foreigners, strangers, or natives of any other part of the United Kingdom, or of any other county, city, or place within Ireland, or on any other account whatsoever, or shall refuse or neglect to work in the trade or calling he shall be so engaged for, and in an usual and reasonable manner, being thereunto required by his employer, or shall return his work before the same shall be completely finished without the consent of the person or persons by whom

he shall be so employed, unless it be for some reasonable and sufficient cause to be allowed by two justices of the peace in their respective jurisdictions, and shall be thereof convicted before any two justices of the peace for the county, city, liberty, town, or place where such offence shall be committed, it shall be lawful for such justices of the peace by warrant under their hands and seals to commit the person or persons so convicted to the common gaol, there to be kept without bail or mainprize for any time not exceeding six calendar months, or otherwise at the discretion of such justices to some house of correction within their jurisdiction, there to remain and be kept to hard labour for any time not exceeding three calendar months.

Any master employing a man retained by another, without his leave, shall be liable to penalty.

VII. AND be it further enacted, that if any master workman in Ireland, or any person whatsoever for him, by his direction, or with his privity, shall knowingly receive, employ, or entertain any artificer, journeyman, manufacturer, workman, or labourer already employed or retained by another, during the time such artificer, journeyman, manufacturer, workman, or labourer shall be so employed or retained, without leave of the person or persons by whom such artificer, journeyman, manufacturer, workman, or labourer shall be so employed or retained, every such offender being thereof lawfully convicted before any two justices of the peace for the county, city, liberty, town, or place where such offence shall be committed, shall for every such offence forfeit and pay any sum not less than five pounds nor more than twenty pounds; one moiety thereof to be paid to the person aggrieved, and the other moiety to be paid to the trustees of Stevens's Hospital in the city of Dublin, for the use of the said hospital, if the offence shall have been committed in the county or in the county of the city of Dublin, and to such publick charity within the county, city, or place in which the offence shall have been committed, as the said justices shall direct, in any case where the said offence shall have been committed out of the county or the county of the city of Dublin.

Application of penalty.

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Contractors for work shall be considered as masters.

IX. AND be it further enacted, that all undertakers or contractors for work in Ireland shall be considered as masters in respect to all matters and things contained in this Act, so far as relates to the journeymen, artificers, workmen, and labourers employed by them.

* * * * * * * * *

Justices may summon offenders, and on their not appearing may issue warrants for apprehending them, and on their appearing, or on proof of their absconding, may hear and determine the matter of complaint, and if penalties are not forthwith paid may com-

XI. AND for the more effectually enforcing and carrying into execution the provisions of this Act, be it further enacted, that on complaint and information on oath before one or more justice or justices of the peace of any offence having been committed against this Act within the respective jurisdictions of such justices, such justice or justices is and are hereby authorized and required to summon the person or persons charged with being an offender or offenders against this Act to appear before any two justices for the county, city, town, or place, within which the offence shall have been committed, at a certain time and place to be specified; and if any person or persons so summoned shall not appear according to such summons, then (proof on oath having been first made before them of the due service of such summons upon such person or persons by delivering the same to him or them personally, or leaving the same at his or their usual place of abode, provided the same shall be so left twenty-four hours at the least before the time which shall be

mit the parties to gaol or a house of correction.

appointed to appear before the said justices upon such summons, and provided also, that such summons shall, in the case last mentioned, be delivered into the hands of some person above the age of sixteen years, then resident in the usual place of such person or persons), such two justices shall make and issue their warrant or warrants for apprehending the person or persons so summoned and not appearing as aforesaid, and for bringing him or them before such justices; and upon the person or persons complained against appearing upon such summons, or being brought by virtue of such warrant or warrants before such justices, or upon proof on oath of such person or persons absconding, so that such warrant or warrants cannot be executed, then such two justices shall and they are hereby authorized and required forthwith to make enquiry touching the matters complained of, and to examine into the same by the oath or oaths of any credible person or persons, and to hear and determine the matter of every such complaint, and upon confession by the party, or proof by one or more credible witness or witnesses upon oath (which oath either of such justices is hereby authorized and empowered to administer in such case, and in all other cases where an oath is to be taken before any justice or justices of the peace in pursuance of this Act), to convict or acquit the party or parties against whom complaint shall have been made as aforesaid, and to give sentence for the forfeiture or penalty incurred under and by virtue of this Act; and in case such forfeiture or penalty shall not be forthwith paid pursuant to such conviction and sentence, such two justices shall and may by warrant under their hands and seals commit the offender or offenders to the common gaol within their jurisdiction, there to remain without bail or mainprize for any time not exceeding six calendar months, nor less than two calendar months, unless such forfeiture or penalty or wages shall be sooner paid or satisfied, or otherwise at the discretion of such justices to some house of correction within their jurisdiction, there to remain and be kept to hard labour for any time not exceeding three calendar months, unless such forfeiture or penalty or wages shall be sooner paid and satisfied.

No master in the trade in which any offence is charged to have been committed, shall act as such justice.

XII. PROVIDED always, and be it further enacted, that no justice of the peace, being also a master in any particular trade, manufacture, or occupation, in or concerning which any offence is charged to have been committed under this Act, shall act as such justice under this Act; any thing herein contained, or any former statute, law, usage, or custom to the contrary thereof in anywise notwithstanding.

Justices may summon witnesses, and for non-appearance or refusal to give evidence may commit them.

XIII. AND be it further enacted, that it shall be lawful for the justice or justices of the peace before whom any such complaint or information shall be made as aforesaid, and he and they is and are hereby authorized and required at the request of any of the parties, to issue his or their summons to any witness or witnesses, to appear and give evidence before such justice or justices, at the time and place appointed for hearing and determining such complaint, and which time and place shall be specified in such summons; and if any person or persons so summoned to appear as a witness or witnesses aforesaid shall not appear before such justice or justices at the time and place specified in such summons, or offer some reasonable excuse for the default or appearing according to such summons shall not submit to be examined as a witness or witnesses, and give his or their evidence before such justice

touching the matter of such complaint, then and in every such case it lawful for such justice or justices, and he and they is and are hereby zed (proof on oath in the case of any person not appearing according to nmons having been first made before such justice or justices of the due of such summons on every such person, by delivering the same to him or by leaving the same twenty-four hours before the time appointed for rson to appear before such justice or justices, at the usual place of f such person), by warrant under the hand or hands of such justice or to commit such person or persons so making default in appearing, or ng and refusing to give evidence, to some prison within the jurisdic- such justice or justices, there to remain without bail or mainprize ch person or persons shall submit himself, herself, or themselves to be ed, and give his, her, or their evidence before such justice or justices said.

Informers and prosecutors shall be deemed competent witnesses; and offenders may be compelled to give evidence against others, and having given such evidence, shall be indemnified for having offended.

AND be it further enacted, that the informer or prosecutor shall in ase under this Act be deemed a competent witness to prove the offence ; and that all and every person and persons who shall or may offend this Act shall and may, equally with all other persons, be called upon npelled to give his or her testimony and evidence as a witness or wit- on behalf of his Majesty, or of the prosecutor or informer, upon any tion to be made or exhibited under this Act against any other person ons not being such witness or witnesses as aforesaid; and that in all ses every person having offended against this Act, and having given her testimony or evidence as aforesaid, shall be and hereby is indem- f, from, and against any information to be laid or prosecution to be ced against him, her, or them for having offended in the matter or relative to which he, she, or they shall have given testimony or e as aforesaid.

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Appeal may be made to the quarter sessions, and judgment suspended pending the appeal, on security being given.

I. AND be it further enacted, that if any person convicted of any or offences punishable by this Act shall think himself or herself ed by the judgement of the justices before whom he or she shall have onvicted, such person shall have liberty to appeal from every such con- to the next court of general sessions or general quarter sessions of the which shall be held for the county, city, town, or place wherein such was committed; and that the execution of every judgement so ap- from shall be suspended, in case the person so convicted shall, with fficient sureties, immediately enter before such justices into a bond to jesty, his heirs and successors, in the penal sum of double the amount penalty so incurred or forfeited; or in case such conviction shall contain ement of imprisonment, such appellant shall immediately enter into a zance before such justices, himself in the penalty of twenty pounds, vo sufficient sureties in the penalty of ten pounds each, (which bond or izance respectively such justices are hereby authorized and required to and such bond or recognizance shall be conditioned to prosecute such with effect, and to be forth coming to abide the judgement and deter- on of the said next general sessions or general quarter sessions, and to ch costs as the said court shall award on such occasion; and the justices said next court of general sessions or general quarter sessions are hereby

authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; which decision shall be final between the parties to all intents and purposes, and no writ of certiorari or other writ or process shall be allowed for removal of such proceedings into any of his Majesty's superior courts of record; and if upon hearing the said appeal the judgement of the justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall forthwith pay the forfeiture or penalty (if any) mentioned in such conviction, and the costs awarded to be paid by such appellant; and in default of payment thereof, or in case such conviction shall contain a judgement of imprisonment, such appellant shall immediately be committed by the said court to the common gaol or house of correction, according to such conviction and for the space of time therein mentioned, without bail or mainprize, and also until the payment of such costs as shall be awarded by the same court to be paid by such appellant.

Decision of the quarter sessions shall be final.

If the judgment of the justices shall be affirmed, the appellant shall pay the penalty and costs, &c.

Act not to abridge the powers now given by law to any court or to justices touching combinations of workmen, &c.

XVIII. AND be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to repeal, take away, or abridge the powers and authorities now by law given to any court or to any justice or justices of the peace in Ireland, touching any combinations of artificers, manufacturers, journeymen, workmen, or labourers, or for settling and adjusting the rate or amount of wages to be paid to such journeymen, workmen, or other persons, or the mode or time of their working or being employed, or the quantity of work to be done, or touching any matter whatsoever also provided for by this Act; but that all such courts and justices shall and may continue to use, exercise, and execute all the powers and authorities given to them in and by any law or statute or any of them now in force in Ireland, in such and the same manner as they could or might have done if this Act had not been made; anything herein contained to the contrary in anywise notwithstanding.

No person punished under this Act shall be otherwise punished.

XIX. PROVIDED always, that no person convicted of any offence against this Act, and who shall suffer for the same accordingly, shall be otherwise punished or suffer for such offence by authority of any other law now in force in Ireland.

Limitation of actions.

XX. AND be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for anything by him, her, or them done or executed in pursuance of any of the provisions in this Act, such action or suit shall be commenced within three calendar months next after the matter or thing done, and shall be laid in the proper county; and the defendant

General issue.

or defendants in such action or suit may plead the general issue, and give the special matter in evidence for his or their defence [Rep., Stat. Law Rev. Act, 1872.]; and if upon trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them upon demurrer or otherwise, then

Treble costs.

such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Penalty shall be paid in Irish currency.

XXI. AND be it further enacted, that all sum and sums of money, penalties, and forfeitures in this Act specified, mentioned, and contained shall be paid and payable and received and receivable in Irish currency, whether the same be so expressly mentioned or not.

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CHAPTER LXXXIX.

AN ACT for providing Relief for the Families of Militia Men in Scotland when called out into actual Service. [11th July 1803.]

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XXI. AND be it enacted, that from and after the passing of this Act no substitute shall be received for any ballotted man in the militia of Scotland, which substitute shall have more than two lawful children born in wedlock at the time he shall be produced to be enrolled in terms of an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act "to raise and establish a militia force in Scotland," . . . . . .

No substitute shall be received having more than two children.

42 Geo. 3. c. 91.

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CHAPTER XCIX.

AN ACT for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same. [27th July 1803.]

WHEREAS it is expedient that certain of the provisions and powers contained in any Acts in relation to the duties on windows or lights, on inhabited houses, on servants, carriages, horses, mules, and dogs, and other the duties lately transferred to the commissioners for the affairs of taxes should be reduced into one Act of Parliament, and amended in the particulars herein mentioned: Be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the said duties now under the management of the commissioners for the affairs of taxes (except the monies arising from the aid granted to his Majesty by a land tax by an Act passed in the thirty-eighth year of the reign of his present Majesty), so far as the same relate to England, Wales, and Berwick-upon-Tweed, shall, from and after the time herein-after mentioned for the commencement of this Act, be assessed, raised, levied, and paid under the regulations thereof. [Rep., Stat. Law Rev. Act, 1872.]

All duties now under the management of the commissioners for the affairs of taxes to be levied under the regulations of this Act, except the land tax.

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III. AND whereas new or other duties may hereafter be placed under the management of the said commissioners for the affairs of taxes to be assessed under the regulations of this Act: Be it further enacted, that this Act with respect to the said last-mentioned duties shall be construed to take effect from and after the times respectively appointed by the Act or Acts granting such duties for the commencement of the same. [Rep., Stat. Law Rev. Act, 1872.]

Application of this Act to new duties.

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VIII. AND be it further enacted, that in case of any controversy arising between such commissioners in any matter or thing touching the execution of any Act before mentioned in which any commissioner or commissioners shall be interested in his or their own right, or concerned in the controversy in the right of any person for whom they shall act as steward, agent, attorney, or solicitor, the commissioner or commissioners so interested or concerned shall have no voice, but shall withdraw during the debate of such controversy until it shall have been determined by the rest of the commissioners, on pain that every commissioner who shall so act in any matter or thing in which he or they is or are interested or concerned as aforesaid shall forfeit and pay the sum of fifty pounds.

Commissioners concerned either in their own right, or as agents, &c., to have no voice in controversies, but to withdraw under penalty of 50*l.*

IX. AND be it further enacted, that such commissioners as shall be duly qualified to act in the execution of the Acts before mentioned, in order to the speedy execution thereof, shall, in the respective hundreds, laths, wapentakes,

Commissioners to meet annually on or before the 10th of April.

rapes, wards, or other districts, cities, boroughs, cinque ports, towns, and places in the several counties, ridings, and divisions for which they are or shall be appointed to be commissioners, meet together yearly and every year at the most usual or common place of meeting within such districts, cities, boroughs, cinque ports, towns, and places respectively on or before the tenth day of April yearly; and any two or more of them shall hold such meeting or any other meeting of commissioners authorized by this Act or the Acts before mentioned, and shall be competent to do any act, matter, or thing thereby required to be done by such commissioners; and such commissioners, or so many of them as shall be present at the first meeting to be holden in every year, or the major part of them having qualified themselves by taking or having taken the oaths in manner herein directed [a], shall elect one fit and sufficient person to be their clerk, and one other fit and sufficient person, if the said commissioners shall deem it necessary, to be his assistant, for all the assessments to be made of the several duties with which the said commissioners shall be charged within their respective limits for one year, and which person so elected shall by virtue of such election be the sole clerk to such commissioners for all the said assessments to be made by them for such year, and which clerk shall not be removable from his said office during the year for which he shall be appointed as aforesaid, except for just cause, and at a meeting of the commissioners for that purpose duly summoned by notice in writing signed by two or more of such commissioners and left at the usual place of abode of each, and every of the commissioners who shall have qualified as aforesaid in and for such district, city, borough, cinque port, town, or place, and by the major part of the commissioners present at such meeting; and such commissioners shall also at such their first meeting direct their several and joint precept or precepts to such inhabitants of each parish, ward, or place, and such number of them as they in their discretion shall think most convenient, to be presenters and assessors for such parish, ward, or place, requiring them to appear before the commissioners at such place and at such time, not exceeding ten days after the date of their precepts, as they shall appoint; and at such their appearances the commissioners or so many of them as shall meet at such their second meeting shall appoint such of the said inhabitants as they shall think proper to be the assessors for such parish or place of the several duties with which the said commissioners shall be charged as aforesaid, for one year, and at the same time shall openly read or cause to be read unto them the several duties for which they are to be appointed assessors, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their certificate and assessments of the said several duties, and shall then and there appoint another day within the time herein-after limited for the said persons to appear before the said commissioners and bring in their certificates of assessments of the said several duties in writing under their hands, which shall be verified upon their oaths or solemn affirmations, and not otherwise; which said assessors are hereby strictly enjoined and required with all care and diligence to charge and assess themselves, and all other persons chargeable with the said duties so given to

Two commissioners sufficient to hold meetings, and competent to do any act.

Commissioners present to elect a clerk, and if necessary an assistant.

The person so elected to be clerk for all the assessments for one year, and not to be removable, except for just cause, and at a special meeting.

Commissioners at their first meeting to issue precepts to persons fit to be assessors, who are to appear within ten days.

Commissioners at the second meeting to appoint assessors and give them instructions.

Assessors to bring in assessments on oath.

Assessors to charge all persons liable to the duties, &c.,

[a] The provisions of this Act as to the taking of oaths by the commissioners are rep., Stat. Law Rev. Act, 1872.

them in charge, and to make their assessments according to the provisions of the laws then in force, upon pain of forfeiture of any sum not exceeding twenty pounds nor less than five pounds; and at the time and place so as aforesaid prefixed for their appearance such assessors shall return the names of two or more able and sufficient persons within the bounds or limits of those parishes or places for which they shall be assessors respectively to the said commissioners, to be by them appointed collectors of the several duties to be raised and assessed by them as such commissioners.

under a penalty not exceeding 20*l.* nor less than 5*l.*

Assessors to return names of persons to be collectors.

X. AND be it further enacted, that every person to be appointed such assessor shall, before he shall take upon him the execution of the said employment, take the oaths mentioned and required to be taken by an Act made in the Parliament held in the first year of the reign of King William and Queen Mary, intituled "An Act for abrogating "the oaths of allegiance and supremacy, and appointing other oaths," or, being one of the people called Quakers, may make and subscribe the declaration of fidelity prescribed by an Act made in the first year of the reign of King William and Queen Mary, intituled "An Act for exempting their Majesties protestant subjects dissenting from "the Church of England from the penalties of certain laws"; which oaths or affirmations [Rep., 34 & 35 Vict. c. 48.] any one or more of the commissioners by whom such assessors shall be appointed, who shall themselves have taken the oath required by this Act to be taken by commissioners, [Rep., Stat. Law Rev. Act, 1872.] have hereby power and are hereby required to administer, as also all and every such other oaths or affirmations as are by this Act or any Act or Acts relating to duties to be assessed under the regulations of this Act required or allowed to be taken before such commissioners by any officer or person whatever, in any matter or thing touching the execution of this Act or any Act or Acts granting the said duties as aforesaid.

Oaths to be taken by assessors.

Commissioners empowered to administer oaths under this Act.

XI. AND be it further enacted, that every person to be appointed such assessor shall and he is hereby required also to take the oath, or, being one of the people called Quakers, to make and subscribe the solemn affirmation before the commissioners for executing this Act in the form set forth in the schedule to this Act annexed marked (B.); and if any person to be appointed assessor as aforesaid shall presume to act in the office or employment of an assessor before he shall have taken the said oath or affirmation (as the case shall require), he shall forfeit and pay for every such offence the sum of fifty pounds.

Assessors not to act before they have taken the oath in schedule (B.) under penalty of 50*l.*

XII. AND be it further enacted, that in all cases the assessors so to be appointed as aforesaid shall from time to time make and deliver in writing their certificates of assessments of all the duties given to them in charge as aforesaid unto the respective commissioners, or any two or more of them, on or before the fifth day of June yearly, or as soon after as conveniently can be done, and [Rep., Stat. Law Rev. Act, 1872.] the commissioners to whom such assessments shall be so delivered, or any two or more of them, shall forthwith set their hands to the said respective assessments, testifying their allowance of the same; and the said commissioners, or any two or more of them, are hereby required to sign and seal three duplicates of the said assessments, to be prepared by their clerk, and forthwith to nominate and appoint two of the persons named or presented in each of such assessments to be collectors or any other two such persons as such commissioners are hereby authorized to appoint for the respective divisions and places for which collectors shall be so presented, and to deliver or cause to be delivered one of the said duplicates of such assessments so by the said commissioners allowed, together with warrants under the hands and seals of two or more of the said commissioners for collecting the same, unto the respective persons by

Assessors to deliver assessments on or before 5th June yearly.

Commissioners to sign three duplicates of the assessments; to appoint collectors; and to deliver one of the duplicates to such collectors, with warrants for collecting, and another to the surveyor. The third du-

plicate to be kept for the commissioners.

them nominated to be collectors, and one other of the said duplicates to the surveyor of the district for the time being, and the third of the said duplicates to be kept by such clerk for the use of the said commissioners; and the said

Collectors to demand duties within ten days after they are due; and to give acquittances.

collectors are hereby enjoined and required to make demand of the several sums contained in such duplicates from the parties charged therewith, or at the places of their last abode, or on the premises charged with the assessment, as the case may require, within ten days after the said duties shall respectively become payable next after such assessments shall have been delivered to them, and upon payment thereof to give acquittances under their hands (without taking anything for such acquittances, the stamp duty for the same excepted,) unto the several persons who shall pay the same; and that such acquittances shall be full and perfect discharges to every such person who shall pay the same, against his Majesty, his heirs and successors.

Collectors to give security, if required.

XIII. AND be it further enacted, that such persons as shall be presented to the said commissioners as before directed to be collectors shall, if required so to do, give good and sufficient security to any two or more of such commissioners, equal to the amount of the whole duty and sum and sums of money assessed in and to be collected in each district or place as aforesaid by such collectors respectively, for their duly paying such monies assessed as aforesaid as shall come to their hands, and for their duly demanding the sums assessed of the respective persons from whom the same are payable, and, in case of nonpayment thereof, their duly enforcing the powers of this Act against such who make default; which security the said commissioners, or any two or more of them, are hereby authorized and empowered to take by a joint and several

Appointment of other persons in case of failure to give security.

bond, with two sureties at the least, to and in the names of any two or more of such commissioners, in such penal sum as aforesaid, and with a condition thereto to the effect before mentioned; and on failure of the persons so first named or appointed to be collectors giving such security, if required, the said commissioners, or any two or more of them, shall be at liberty and are hereby authorized to appoint any other sufficient persons who can give such security as aforesaid residing within the limit of the same district or place to be collectors of the said duties respectively; and every such bond given by way of such security as aforesaid shall be prosecuted by such commissioners on any failure or default of the said collector or collectors: . . . . . Provided also, that such bond shall not be subject to any stamp duty whatever: Provided always, that if no persons can be found within the limits of such districts or places respectively who are willing or able to give such security, then and in such case the persons who were first presented to the respective commissioners as before directed shall be collectors of the monies asssessed as aforesaid within the limits of such districts or places respectively.

If inhabitants of district or churchwardens, &c. require security to be taken from collectors, and name fit persons willing to give such security, no collectors shall

XIV. PROVIDED always, and be it further enacted, that if any two or more of the inhabitants of the district or place for which a collector or collectors may be named as aforesaid, being respectively charged to any of the said duties to be assessed under the regulations of this Act, or the churchwardens or overseers or guardians of the poor of any description, or any two or more of them, or the select vestry, or any seven or more of them, where a select vestry shall be authorized to act for any parish or place, shall require security to be taken of the collector or collectors to be appointed for the parish or place

on behalf of which such application shall be made, and shall name a fit and proper person or persons to be a collector or collectors who respectively are willing to give such security, it shall not be lawful for such commissioners to appoint collectors for such duties or any of them until such security be given; and if the person or persons returned to the said commissioners according to this Act to be a collector or collectors shall not have given or shall not give such security, then it shall be lawful for such commissioners to appoint such persons, and no others, who shall have been named to them by the persons respectively before mentioned as fit and proper persons to be collectors, and who will give such security as shall be required.

be appointed until such security be given, and the persons named shall be appointed if the persons returned do not give it.

XV. AND be it further enacted, that within the bills of mortality, the parishes of Saint Marylebone and Saint Pancras in the county of Middlesex, the appointment of the collectors of such duties as aforesaid shall belong wholly to such of the commissioners for executing this Act who shall reside in the wards or parishes for which such collectors respectively are to be appointed, in case there shall be two or more commissioners there resident, and no other commissioner shall in such case interfere; and it shall be lawful for such commissioners residing within the respective wards or parishes aforesaid to appoint two or more persons to be collectors who shall have given such security as aforesaid, whether such persons shall have been presented by the assessors as aforesaid or named by the inhabitants or churchwardens and overseers or guardians of the poor or any two or more of them, or any seven or more of the vestry where a select vestry shall be appointed as aforesaid, and who shall be thought by such commissioners to be of ability to execute the office of collector; and that, in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office: Provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city may appoint or concur with a commissioner so residing in the appointment of such collectors; and every person appointed a collector in pursuance of this Act shall also, by virtue of such appointment, act as an assessor for the same parish, ward, or place.

Within the bills of mortality and St. Marylebone and St. Pancras the appointment of collectors shall belong to the commissioners residing in the respective wards or parishes.

Appointment of collectors in wards, &c. where there are not two or more commissioners resident.

Collectors shall also act as assessors.

XVI. AND be it further enacted, that if any assessor or collector to be appointed as aforesaid shall wilfully neglect or refuse to take upon himself the office of an assessor or collector to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this Act, or of any Act or Acts granting duties to be assessed under the regulations of this Act for which he shall be appointed an assessor or collector, such commissioners, or any two or more of them, may and shall by virtue of this Act impose on such person or persons so refusing or neglecting for every such offence a fine not exceeding twenty pounds; provided, that no person inhabiting any city, borough, or town corporate shall be compelled to be an assessor or collector for any part of such duties in any place or places out of the limits of the city, borough, or town corporate in which he shall so inhabit.

Assessors or collectors refusing to take the office or neglecting their duty may be fined by commissioners, not exceeding 20*l.*

Inhabitants of a city or borough, &c. not compelled to be assessors or collectors out of its limits.

In privileged and other extra-parochial places, and where two sufficient inhabitants cannot be found, the commissioners shall appoint persons living in or near such places assessors and collectors.

XVII. AND be it further enacted, that in all privileged and other places being extra-parochial, and not within the constablewicks or precincts of the respective assessors to be appointed as aforesaid, and in all parishes and places where two able and sufficient inhabitants cannot be found, the said commissioners or any two or more of them shall and they are hereby required to nominate and appoint two fit persons living in or near the said privileged or other places as aforesaid to be assessors for the said places, and to make and return their said assessments in like manner as by this Act is directed in any parish or place, and also in like manner and in the like cases to appoint one or more collector or collectors, who are hereby required to collect and pay the sums given to them in charge, according to the rules prescribed by this Act for collecting and paying the sums of money assessed in any parish or place.

If assessors neglect their duty, surveyors may perform the same.

[XVIII.[a] AND be it further enacted, that in case such commissioners shall neglect to appoint assessors as directed by this Act, or in case the assessors by them appointed shall neglect to perform what shall be lawfully required of them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed or to be appointed as herein mentioned to do and perform such and the like services as ought to be done by such assessors, until such assessors shall be appointed and shall act with effect.

Officers executing this Act, or other Acts herein mentioned, not liable to any other penalties than such as are contained therein.

XIX. PROVIDED always, and be it further enacted, that no commissioner, assessor, or collector who shall be employed in the execution of any such Act or Acts herein mentioned, or of this Act, shall be liable for or by reason of such execution to any penalty or penalties other than such as by this Act or the said Act or Acts are or may be inflicted.

His Majesty or the Treasury may from time to time appoint officers for the survey and inspection of duties under commissioners or taxes.

XX. AND be it further enacted, that . . . . . it shall be lawful to and for his Majesty, his heirs and successors, or the lords commissioners of the Treasury or any three or more of them now or for the time being, or the high treasurer for the time being, from time to time to constitute and appoint such person or persons as his Majesty, his heirs and successors, or the said commissioners of the Treasury, or the high treasurer for the time being shall think proper, to be the officers for the survey and inspection of the duties under the management of the commissioners for the affairs of taxes within that part of Great Britain as aforesaid, and for doing and executing all things belonging to the office of inspector or surveyor, according to the powers vested in them by this Act, or by any other Act or Acts for granting the said duties to be assessed under the regulations of this Act, or any of them.

Surveyors to certify surcharges twice in the year.

XXI. AND be it further enacted, that every such surveyor or surveyors, inspector or inspectors shall twice in every year, to wit, between the first day of July and the tenth day of August following, and between the first day of December and the tenth day of January following, yearly, and at no other times, certify in writing to two or more of the said commissioners all such surcharges as they may lawfully make, and shall give or cause to be given to every person so surcharged, or leave or cause to be left at his or her last or usual place of abode in the district where such surcharge shall be made, notice

Notice thereof to be given to the party surcharged.

[a] This section is rep., so far as it relates to neglect to appoint assessors, Stat. Law Rev. Act, 1872.]

in writing of such surcharge, and of the amount for which he or she shall have been charged by virtue of such certificate.

Surcharges omitted for the first half year may be made for the whole year.

XXII. AND be it further enacted, that if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge on or before the first day of August in any year, it shall be lawful for the said surveyor or surveyors, inspector or inspectors, to make such surcharge or surcharges on or before the first day of January following for the whole year.

Surveyor guilty of vexatious or corrupt practices in his office to forfeit 100*l.* and on conviction be dismissed.

XXIII. AND be it further enacted, that if any such surveyor or inspector shall knowingly or wilfully, through favour, underrate or omit to charge any person or persons, or shall be guilty of any corrupt, vexatious, and illegal practices in the execution of his office, such surveyor or inspector shall for every such offence forfeit the sum of one hundred pounds, and on conviction shall be discharged from his said employment.

Persons overcharged may appeal to the commissioners on giving ten days notice to the surveyor or assessors.

XXIV. AND be it further enacted, that if any person or persons shall think himself, herself, or themselves respectively overcharged or overrated by any assessment or surcharge to be made by virtue or in pursuance of any Act or Acts before mentioned, it shall be lawful for him, her, or them respectively to appeal to the commissioners for putting in execution the said Act or Acts in relation to such assessment, on giving at the least ten days notice thereof to the said surveyor or inspector, or to one or more of the assessors of the place wherein such assessment or surcharge shall be made, of such intention to appeal; and the said commissioners, or any two or more of them, shall and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to give such notice thereof to the proper officer aforesaid, in which case it shall be lawful for the said commissioners and they are hereby required to dismiss the appeal, and to confirm the assessment or surcharge appealed against.

Commissioners shall hear appeals, unless notice has not been given, in which case the assessment or surcharge must be confirmed.

Assessments not to be altered before the time for hearing appeals, except in certain cases.

XXV. PROVIDED always, and be it further enacted, that no assessment, which shall be delivered to such commissioners or any two or more of them by any such assessor or assessors, shall be altered by them or any of them before the time for hearing and determining appeals, and then only upon a surcharge or surcharges not appealed against, and according to such surcharge or surcharges, or upon the commissioners hearing the matter of appeal particularly relating thereto, upon a general appeal day duly appointed, save and except in such cases only where such commissioners are specially authorized to alter or rectify any such assessment by the Act or Acts before mentioned; and if any clerk to such commissioners or any other person or persons shall alter, or cause or procure or suffer to be altered, any assessment, after the same shall have been allowed by such commissioners, except as aforesaid or in cases of appeal and by order of the said commissioners or any two or more of them made after appeal as aforesaid, every such clerk or other person shall forfeit and pay the sum of fifty pounds.

Clerk or other person altering the assessment improperly to forfeit 50*l.*

Commissioners, on hearing appeals, shall not make abatement, unless the party is overrated and

XXVI. AND be it further enacted, that the said commissioners or any of them shall not, upon the hearing any such appeal, make an abatement or defalcation in the charge made upon any person by assessment, or by the surcharge of any assessor or assessors, surveyor or surveyors, inspector or inspectors as aforesaid, but the charge or surcharge shall stand good and remain

produces a list of particulars verified on oath.

part of the annual assessment, unless it shall, upon the hearing of such appeal, appear to the commissioners then present, or the major part of them, by examination of the appellant upon oath or affirmation, or by other lawful evidence to be produced by him or her, that such person is overrated in or by any such assessment or surcharge, and unless the appellant shall produce before the said commissioners a true, perfect, and complete list, account, declaration, or return as shall or may be required by the Act or Acts before mentioned, and verify the same upon his or her oath or affirmation; and such surveyor or inspector and assessor may then and there attend to give his or their reasons in support of the said assessment or surcharge, and may, if he or they think proper, produce any lawful evidence in support of the same; and such surveyor, inspector, and assessor shall have full power and free liberty to be present during all the time of hearing such respective appeals, and of the said commissioners determining the same; provided always, if upon such appeal it shall appear to the said commissioners that the persons so assessed or surcharged is or ought to be charged to any amount beyond the amount contained in such assessment or surcharge, it shall be lawful for the said commissioners to charge such person to the matter or thing or amount of the sum omitted, in like manner and at the like rate as they might have done if a full, true, and perfect assessment had been made in the first instance: Provided also, that no barrister, solicitor, or attorney, or any person practising the law shall be allowed to plead before the said commissioners on such appeal for the appellant or officers, either vivâ voce or by writing.

Surveyor and assessor may attend in support of the assessment or surcharge, and produce evidence.

If commissioners shall find upon appeal that the person is not fully assessed or surcharged, they may charge the amount omitted.

No barrister or solicitor allowed to plead before commissioners.

Commissioners to give notice to collectors of times and places for hearing appeals.

XXVII. AND be it further enacted, that such commissioners, or any two or more of them, shall and they are hereby required to give such collectors as aforesaid notice at what time or times, within the periods herein limited, and and at what place or places the appeals of any person or persons who shall think themselves aggrieved as aforesaid may be heard and determined; and every such collector is also hereby required within ten days after such notice from the said commissioners to cause public notice to be given in every parish church or chapel of ease belonging to any such parish within his district or division immediately after divine service on the Lord's day (if divine service shall be performed in the said parish within that time), or otherwise in the church of the next adjoining parish, of the time and place so appointed by such commissioners for hearing and determining appeals as aforesaid, and shall also cause the like notice to be fixed in writing upon the door of each of the said respective parish churches or chapels of ease, that all persons who shall think themselves aggrieved as aforesaid may know when and where to make their appeal to the said commissioners.

Collectors within ten days to cause public notice to be given thereof in church,

and fix notice in writing on church doors.

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Determination of the commissioners on appeals shall be final, and neither the determination nor the assessment made thereupon shall be altered afterwards, except where the opinion of the judges is required.

XXIX. AND be it further enacted, that all such appeals once heard and determined by the said commissioners, or any two or more of them, or the major part of them present on the day or days by them appointed for hearing of appeals, shall be final; and neither the determination of the commissioners nor the assessment then and there made thereupon shall be altered on any pretence whatever at any subsequent meeting, or at any other time or place, except always in such cases where the opinion of the judges shall be required, according to the provisions of any Act or Acts concerning the same. [Rep., Stat. Law Rev. Act, 1872.]

XXX. AND whereas it may happen that the assessments and duplicates of the said duties may not be signed and allowed in due time, to the prejudice of the said revenue, for want of a sufficient number of commissioners acting or attending where and when such assessments or duplicates ought to be allowed: Be it further enacted, that in all cases it shall be lawful for the said commissioners appointed for putting any Act or Acts relating to the said duties in execution, living in any parish or place within the same county, riding, or division, and they are hereby empowered and required, to allow and sign such assessments or duplicates which are or shall be wanting for any such parishes or places as aforesaid.

If assessments and duplicates are not signed and allowed in due time, commissioners in the same county may allow and sign the same.

XXXI. PROVIDED always, and be it further enacted, that if at any time there shall not have been any meeting or meetings of two or more of the said commissioners and a due execution of any of the powers created by this Act or the Act or Acts before mentioned within or at the time or times or according to the manner or circumstances directed or prescribed in and by this Act or the said Act or Acts, it shall be lawful to and for any two or more of the persons appointed commissioners, and they are hereby required, in all and every the respective counties, ridings, cities, boroughs, cinque ports, and towns respectively in that part of Great Britain as aforesaid wherein such default shall have happened, to meet and execute the said powers at any other time or times, anything herein contained to the contrary thereof notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings should have been held and such powers should have been executed, to meet and execute the same, and cause the same to be executed, so as that all the duties by law payable on assessment be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and successors; and all such meetings and acts of the said commissioners or any two or more of them shall be deemed and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect.

When commissioners do not meet within the prescribed time, they may meet and execute their powers at other times.

XXXII. AND be it further enacted, that if in any parish, ward, or place in that part of Great Britain as aforesaid any failure shall happen in the appointment of the assessor or assessors, or collector or collectors, whereby the assessments or collection of the duties is likely to be delayed, it shall be lawful for any two justices of the peace of any county in that part of Great Britain as aforesaid, the ridings of York or divisions of Lincoln, whenever such failure shall happen in any parish, ward, or place within such county, riding, or division, or in any town or place adjoining thereto, such town or place not being a county of itself herein mentioned, and for the chief magistrate and justices of the peace of any city, town, or place, being a county of itself, and they and every of them on notice of such default to be given by the surveyor are strictly enjoined and required to appoint an assessor or assessors, or a collector or collectors, as the case may require, observing therein the rules and regulations prescribed by this Act for the appointment of such respective officers by commissioners; and if any person appointed by the justices or magistrates as aforesaid to be an assessor or collector shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, or shall wilfully neglect or refuse to perform his duty in the speedy and faithful execution of his office, or if any person so appointed to be an assessor shall neglect

Where assessors or collectors are not appointed, two justices of the peace in a county, or the chief magistrate and justices in a county of a city, &c., shall appoint them.

Persons so appointed assessors or collectors, refusing to perform the duty or to take the oath required, shall forfeit 50*l.*

or refuse to take the oath or affirmation directed to be taken by assessors by this Act, as the case may require, every such person so offending shall forfeit and pay the sum of fifty pounds.

Collectors on payment of the duties being refused shall distrain;

XXXIII. AND be it further enacted, that if any person or persons shall refuse to pay the several sum and sums charged upon him, her, or them by any Act or Acts granting the duties herein mentioned, or any other duties to be assessed under the regulations of this Act, upon demand made by the collector or collectors of the division or place, according to the precepts or estreats to him or them delivered by such commissioners, it shall be lawful to and for such collector and collectors, or any of them, who are hereby respectively thereunto authorized and required, for nonpayment thereof, to distrain upon the messuages, lands, tenements, and premises charged with any sum or sums of money, or to distrain the person or persons so charged by his or their goods and chattels, and all such other goods and chattels as they are hereby authorized to distrain, without any further authority from the commissioners for that purpose than the warrant to such collector or collectors delivered at the time of his or their appointment, and the distress so taken to keep by the space of four days at the costs and charges of the party so refusing, and if the said party doth not pay the respective sums of money so due within the said four days, then the said distress to be appraised by two or more of the inhabitants where the said distress is taken, or other sufficient persons, and there to be sold by the said officer for payment of the said money, and the overplus coming by the said distress (if any there be), after deducting the said money, and also the costs and charges of taking, keeping, and selling the said distress, which costs and charges the said officer is hereby authorized to retain, to be restored to the owner thereof; and moreover it shall be lawful in such case to break open in the daytime any house upon warrant under the hands and seals of two or more of the said commissioners obtained for that purpose, calling to their assistance the constable, tithingman, or headborough within the counties, shires, stewartries, cities, towns, and places where any refusal, neglect, or resistance shall be made, which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by any Act or Acts as aforesaid shall refuse or neglect to pay the said sum or sums so appointed to be paid by the space of ten days after demand as aforesaid, where no sufficient distress can or may be found whereby the same may be levied, then and in every such case two or more of such commissioners are hereby authorized by warrant under their hands and seals to commit such persons to the common gaol, there to be kept without bail or mainprize until payment shall be made; and if any question or difference shall arise upon taking such distress, the same shall be determined and ended by two or more of such commissioners.

and keep the distress so taken four days, and if the duties are not then paid shall sell the same.

Collectors in the daytime may break open houses, having a warrant from the commissioners for that purpose, and taking a constable with them.

When sufficient distress cannot be found the party may be committed to prison.

Question or difference respecting distress to be determined by the commissioners.

XXXIV. PROVIDED always, and be it enacted, that nothing herein contained shall be construed to restrain the said commissioners or any of them from acting as commissioners in any part of the county, riding, division, or place for which they are appointed; and that all warrants and precepts of the said commissioners shall and may be executed by the respective persons to whom the same are directed in any part of the same county, riding, division, or place for which they are appointed.

Commissioners may act for any part of the county, &c. for which they are appointed; and their warrants, &c. may be executed in any part of such county, &c.

XXXV. AND whereas it may frequently happen that persons quitting their dwelling houses or places of residence may remove to other parishes or places without first discharging or paying the duties charged upon him, her, or them, whereby the said duties made payable by this Act will be lost, unless such person or persons so removing can, after such removal, be compelled to pay the same: Be it further enacted, that the commissioners acting by virtue of this Act within such parish or place where such duties are charged upon and unpaid by the person or persons removing as aforesaid shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside, which commissioners or any two or more of them shall and they are hereby empowered to raise and levy the said duties charged upon the party or parties removed as aforesaid, and cause the monies so raised and levied to be paid to the collector of the parish or place from whence the said person or persons did remove, so as the same may be paid and applied according to the true intent and meaning of this Act.

When persons remove without paying the duties, the commissioners shall certify the same to the commissioners of the place where the party can be found, who shall cause the amount thereof to be levied, and to be paid to the collector of the parish whence the persons removed.

XXXVI. AND be it further enacted, that where any parish or place shall be in two or more counties, ridings, or divisions, the duties charged or to be charged in or for such parish or place shall be assessed, raised, levied, collected, and paid by and under the commissioners acting for that part of the said parish or place where the church or other place of public worship aforesaid shall be situate, and that the whole of such parish or place shall be deemed for the purposes of this Act to be situate in such county, riding, or division wherein such church or other place of public worship shall be situate; and also where any dwelling house or any other premises occupied therewith hereby charged shall be situate in two or more parishes, wards, or places, the whole duties to be charged thereon shall be assessed, raised, levied, collected, and paid in one of the said parishes, wards, or places only, and the party so charged shall be relieved from any second assessment made thereon, or any part thereof, as in other cases of double assessments.

A parish in more than one county shall be deemed in the county wherein the church is situate;

Where a house is situate in two parishes, the whole of the duties shall be assessed in one of them.

XXXVII. AND be it further enacted, that no goods or chattels whatever belonging to any person or persons at the time any of the said duties to be assessed under the regulations of this Act became in arrear shall be liable to be taken by virtue of any execution or other process, warrant, or authority, or by virtue of any assignment, on any account or pretence whatever, except at the suit of the landlord for rent, unless the party at whose suit the said execution or seizure shall be sued out or made, or to whom such assignment shall be made, shall, before the sale or removal of such goods or chattels, pay or cause to be paid to the collector or collectors of the said duties so due all arrears of the said duties which shall be due at the time of seizing such goods or chattels, or which shall be payable for the year in which such seizure shall be made, provided the duties shall not be claimed for more than one year; and in case the said duties shall be claimed for more than one year, then the said party at whose instance such seizure shall have been made, paying the said collector or collectors the aforesaid duties due for one whole year, may proceed in his seizure as he might have done if no duties had been so claimed; but in case of refusal to pay the said duties the said collector or collectors are hereby authorized and required to distrain such goods and chattels, notwithstanding such seizure or assignment, and proceed to the sale thereof accord-

When duties are in arrear, no goods shall be taken by virtue of any process, &c., except at the suit of the landlord for rent, unless the party suing, &c. shall pay or cause to be paid the arrears, not exceeding one year.

In case of refusal the collector may distrain and sell the goods

ing to this Act, in order to obtain payment of the whole of the said duti so assessed, together with the reasonable costs and charges attending su distress and sale; and every such collector so doing shall be indemnified b virtue of this Act.

Powers of 27 G. 2. c. 20. and 33 G. 3. c. 55. and other Acts shall be used by commissioners, &c. in recovering arrears.

XXXVIII. AND be it further enacted, that all remedies, advantages, power methods, and things which by any Act or Acts concerning bankrupts, o concerning the method of recovering rent in arrear, are given or granted t any creditors, lessors, or landlords respectively, and all the powers and provi sions of an Act passed in the twenty-seventh year of the reign of King George the Second, intituled "An Act for the more easy and effectual proceeding upon "distress to be made by warrants of justices of the peace," and also of another Act passed in the thirty-third year of the reign of his present Majesty, intituled "An Act to authorize justices to impose fines upon constables, overseers, and "other peace and parish officers for neglect of duty, masters of apprentices for "ill usage of such their apprentices, and also to make provision for the "execution of warrants of distress granted by magistrates," as far as the same powers of the said last-mentioned Act relate to the execution of warrants of distress granted by justices of the peace, shall be used and practised by such respective commissioners, and by any collector, surveyor or inspector as aforesaid acting under the authority of such commissioners for the recovering and securing any arrears of such duties as are to be assessed under the regulations of this Act, over and above the powers, remedies, rules, and regulations contained in this Act, as fully and effectually as if the same remedies, advantages, powers, provisions, methods, and things were particularly and severally repeated and re-enacted in this Act.

Commissioners quarterly, or twice in a year at least, shall call the collectors before them, and examine them upon oath as to the sums collected by them, and as to arrears, &c. and order payment to the receiver general, &c.

XXXIX. AND be it further enacted, that at the end of every quarter of a year appointed for the payment of the sums assessed or any part thereof, or within one calendar month thereafter, or at such other times as they shall think expedient, but nevertheless twice at least, videlicet, on or before the first day of November and the first day of May following, in every year, and so from time to time as often as shall be necessary, the several and respective commissioners appointed to put this Act in execution, or any two or more of them, within their district, shall and are hereby empowered and required to call before them the collector or collectors appointed within each parish or place, as the case may require, and to examine him or them upon oath or solemn affirmation, and assure themselves of the sum or sums of money that shall have been collected and paid to such collector or collectors of the duties given to them or any of them in charge, and to make such order therein for the payment of the same to the receiver general on the day or time appointed for receiving the same as they shall judge necessary, and also to assure themselves of the sum or sums in arrear, and the cause or causes thereof, and also upon such oath or affirmation to examine the said collector or collectors touching the due payment over of any sum collected by him or them in any preceding part of the same year, and in every such case to make such order therein as aforesaid; and the said commissioners are hereby empowered and required in every year to call before them the collector or collectors appointed in each parish, ward, or place in any former year, where any sum or sums of the duties charged by virtue of any Act or Acts before mentioned shall be in arrear or unpaid to the receiver general, and to examine the said collector or

and in case of arrears shall also call before them and examine the collectors of any former year.

collectors on such oath or affirmation as aforesaid, and to assure themselves of the sum or sums of money collected by him or them, and of the sum or sums in arrear, and also the sum or sums paid over to the receiver general, and of the sums remaining in the hands of the said collector or collectors, and to make such order therein as they shall judge necessary to prevent any failure in the payment in any part of the assessment charged by virtue of any such Act or Acts, and so from time to time as long as any of the arrears of the said duties or any of them charged upon any of the said parishes, wards, or places shall be in arrear; and the respective receivers general, inspectors, and surveyors shall, when required so to do, be assisting to such commissioners in their inquiry in all matters relating to their respective offices.

Receiver general, inspectors, and surveyors, shall assist commissioners when required.

XL. AND be it further enacted, that if any wilful delay or failure shall happen in demanding, receiving, recovering, or paying over any monies of the duties assessed as aforesaid through the default or neglect of any collector or collectors, it shall be lawful for such commissioners to revoke the appointment of such collector or collectors so in default or neglecting as aforesaid, and by indorsement on the same precept or precepts of appointment or otherwise by their precept to appoint a collector or collectors in his or their stead for the remainder of the year, with full power to collect the arrears of the sums then due; and it shall also be lawful for such commissioners, whenever the same shall be necessary, to revoke such last-mentioned appointment, and to appoint a collector or collectors in like manner from time to time and as often as any such collector or collectors shall be guilty of such default or neglect, provided security be taken, if required, as in the case of an original appointment, and provided the like security be taken on every such new appointment as shall have been required to be taken on the appointment of collectors at the commencement of any year, as herein-before is mentioned; and such collector or collectors so in default as aforesaid shall on the demand of such commissioners deliver up to them, or in their presence to the collector or collectors newly appointed, all such certificates of assessments which he or they were charged to collect, and all accounts of receipts and vouchers of payment as aforesaid, and also shall pay to the receiver general all sums then in his or their hands at such time as such commissioners shall appoint; and if any person after such removal from the office of collector shall refuse or neglect to do any matter or thing required by this Act, every such person shall forfeit and pay the sum of fifty pounds, to be charged in any assessment of such duties as aforesaid for such parish, ward, or place, and recovered as such assessment may be recovered, and shall also remain liable to such other forfeitures and disabilities that may be incurred by virtue of this Act for detaining the said monies in his hands after such demand made of the same as aforesaid.

Collectors neglecting their duty may be dismissed, and the commissioners may from time to time appoint others.

Collectors dismissed shall deliver up, on demand of the commissioners, the certificates of assessments, &c., and in case of default shall forfeit 50*l.*

XLI. AND be it further enacted, that if any collector being duly summoned shall refuse to attend such respective commissioners, or shall not answer all such lawful questions as shall be demanded of him by such commissioners touching the execution of his office of collector, or shall refuse or neglect to produce to them the certificates of assessments, accounts, or vouchers of such receipts or payments as aforesaid, or shall not obey the order of such commissioners to be made as before directed, every such collector shall forfeit and pay the sum of fifty pounds, to be charged upon him in any assessment as aforesaid, and to be recovered as such assessment may be recovered, over and

Collectors refusing to attend commissioners or to produce their certificates, &c. shall forfeit 50*l.*

above any forfeiture or disability that may be incurred by virtue of this Act for detaining monies of the said duties in his hands contrary to this Act; and whenever any money of the said duties herein mentioned shall be detained in the hands of any collector or collectors, or any penalty or penalties imposed on any collector or collectors shall remain unpaid, and the same or any part thereof cannot be recovered by or under the warrant or authority of the respective commissioners, or the said respective commissioners shall neglect to issue such warrant, then such part thereof as cannot be so recovered which shall have arisen from the said duties shall be recoverable as a debt upon record to the King's Majesty, his heirs and successors, with all costs and charges attending the same, and such part thereof which shall arise from any penalty as aforesaid may be recovered by action or information as other penalties may by this Act be recovered, with full costs of suit; and the sum so recovered shall be paid to the receiver general, in aid of the parish or place answerable for the same.

If monies in the hands of collectors cannot be recovered under the warrant of the commissioners, or the commissioners neglect to issue such warrant, the amount shall be recoverable as a debt upon record to the Crown.

XLII. PROVIDED always, and be it further enacted, that the collector or collectors appointed for any parish, ward, or place as aforesaid, when required so to do by the churchwardens and overseers or guardians of the poor or any two of them, or the select vestry as aforesaid or any seven of them, shall deliver to them respectively an account in writing of the sums received by such collector or collectors, and of the sums in arrear, and of the sums remaining in his or their hands, and also of the sums paid to the receiver general; and if any collector shall refuse or neglect so to do within fourteen days after such demand shall be made, he shall forfeit and pay to the use of the poor of such parish or place where such collector shall reside the sum of twenty pounds.

Collectors, when required by the churchwardens, &c., shall deliver a statement of account, on penalty of 20*l*.

XLIII. AND be it further enacted, that if any collector to be appointed as aforesaid shall neglect or refuse to demand payment of all sums of money given in charge to such collector of the respective persons chargeable therewith, or leave a demand in writing at their respective places of last abode, or on the premises charged with the assessment, as the case may require, within the time herein limited, or in case of default of payment thereof upon such demand shall neglect or refuse to execute the warrant or precept of the commissioners for recovering the same within two calendar months after the said duties are payable, as by this Act is directed, it shall not be lawful for such collector to insert in the schedule to be by the receiver general returned into the Exchequer the name of such person as having made default of payment of any of the sums rated or assessed on such person, but the parish, ward, or place respectively for which such collector shall have been appointed shall be answerable for the same in the manner directed by any Act or Acts for granting the said duties herein mentioned.

If collectors neglect to demand duties of persons charged, &c. within the time limited, the names of such persons shall not be returned into the Exchequer as defaulters, but the parish shall be answerable for the sums assessed on them.

XLIV. AND be it further enacted, that no collector appointed for any parish, ward, or place shall be allowed to insert in any schedule the name of any person to be returned into the Exchequer as not having paid the duties made payable by any Act or Acts herein mentioned, unless such collector shall make oath, or being one of the people called Quakers shall make and subscribe a solemn affirmation before two commissioners (who respectively shall certify the said oath or affirmation on the said schedule), that the sum for which such person is so returned in default is due and wholly unpaid either to such collector or to any other person or persons for such collector, to the best of his

Collectors not to insert in any schedule to be returned into the Exchequer any person as a defaulter unless upon oath as to certain particulars.

knowledge and belief, and that such person became insolvent or bankrupt before the day on which the duties became payable, and had not goods and chattels sufficient whereon to raise and levy such duties within the parish ward, or place for which such collector shall have been appointed, at any time since such duties became payable, or that such person removed from the parish, ward, or place for which such collector shall have been appointed before the day on which such duties became payable without leaving therein sufficient goods and chattels whereon such duties then payable could be raised and levied, and that there were not nor are any goods and chattels of any person or persons liable to the payment of such duties in arrear or any part thereof whereby the same or any part thereof could or might be raised or levied; which oath or affirmation shall be indorsed on such schedule.

Collectors to make a return upon oath of persons from whom the duties cannot be collected.

XLV. AND be it further enacted, that the collectors appointed as aforesaid shall make a due return, fairly written on paper under their hands, to such commissioners, containing the names, surnames, and places of abode of every person within their respective collections from whom such collector or collectors shall not have been able to collect or receive such duties for any of the causes before mentioned, and which shall have been duly verified on the oath of such collector as aforesaid, and the particular reason for returning each defaulter, and the sum and sums charged upon every such person; and such commissioners after due examination thereof on the oaths or affirmations as aforesaid of the collectors shall ascertain the sums which according to the provisions of any of the said Acts herein mentioned shall have been discharged from assessment for any cause therein specially allowed, and the said commissioners shall also make out their schedules, containing the sums so discharged, and the sums with which each and every such defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place as aforesaid, and shall cause the said several particulars to be inserted in a schedule, fairly written on parchment, under the hands and seals of such commissioners or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver general, to be returned by such receiver general into his Majesty's said Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place so in default may be charged by process of court according to the course thereof in that behalf; and in default of such schedule made out according to the directions of this Act it shall be lawful for the receiver general and he is hereby required to return every such parish, ward, or place insuper for all sums not paid to the receiver general and contained in the duplicate of assessment to him delivered, and all such sums so returned shall in such case be re-assessed on such parish, ward, or place, and all and every the proper officers therein concerned shall and they are hereby required to take care, from time to time, that such process be duly issued and made effectual, so that all such sums as shall be in arrear and unpaid as aforesaid may be speedily recovered and paid into his Majesty's Exchequer; and if any such collector shall neglect or refuse to make such return in manner before directed, every such collector shall forfeit the sum of one hundred pounds.

Commissioners shall make out schedules of the sums discharged from assessment, and sums with which defaulters ought to be charged, and sums which ought to be re-assessed upon the parish, and deliver the same to the receiver general, to be returned into the Exchequer, that process may issue against defaulters, &c.

In default of such schedule the receiver general to return the parish insuper, &c.

Collectors neglecting to make returns to forfeit 100*l.*

XLVI. AND be it further enacted, that the respective commissioners aforesaid shall cause two duplicates of every assessment to be made out on

Commissioners shall cause two duplicates

of every assessment to be made out within one month after 10th Feb.; one of which shall be transmitted to the receivers general, and the other to the office of the King's remembrancer.

parchment by their clerk within one month at farthest after the tenth day of February after the making the said assessment yearly, and one of them to be delivered unto the respective receivers general, and the other of them transmitted into the office of King's remembrancer in the Exchequer, for which duplicates the proper officer shall give acquittances gratis, so as every of them may be duly charged to answer their respective collections and receipts; and the said duplicates shall be made for the same hundreds, rapes, laths, wapentakes, wards, parishes, or places, or divisions for which distinct duplicates are directed to be made out or may be made by virtue of the said recited Act for granting an aid by a land tax before mentioned, and every such duplicate shall contain the names and surnames of the several assessors and collectors for every hundred, rape, lath, wapentake, ward, parish, or place, or other division, and the full amount of the sums given in charge to the collectors throughout the whole year shall be inserted without any discharge, diminution, or defalcation on any pretence whatever; and if any clerk to such commissioners shall neglect or refuse to make out and deliver such duplicates as aforesaid within the time and in manner herein-before directed, or shall make any false entry, or omit any sum or sums in such duplicates, every such clerk shall forfeit and pay the sum of one hundred pounds, and on conviction thereof shall be discharged from his said office.

Clerks neglecting to make out duplicates, or making false entries, to forfeit 100*l.* and be dismissed.

In case of failure in assessing the duties or returning the duplicates or raising the sums charged in any parish, the receiver general shall certify the same to the barons of the Exchequer, with the names of the commissioners, assessors, &c. for the place in default, who shall be liable to process by writ of distringas, on application of commissioners of taxes.

XLVII. AND be it further enacted, that in case there shall be any failure of assessing or charging the said duties in any parish, ward, or place, or of returning the duplicates of the assessments made for any such parish, ward, or place, or of raising or paying the several sums charged upon any person or persons in any such parish, ward, or place within the respective times limited by this Act, the receiver general acting for the duties charged or to be charged on such parish, ward, or place shall and may at any time after such failure hath happened certify to the barons of the Court of Exchequer at Westminster the particular parish and parishes, ward or wards, or place and places, and the particular division where any such failure hath happened, and the cause thereof to the best of his knowledge, together with the names of the commissioners appointed as aforesaid to act for the hundred, rape, lath, wapentake, city, ward, town, or place, or the division wherein such failure hath happened, or any two or more of them residing within such division, hundred, rape, lath, wapentake, city, ward, town, or place, and also the names of the assessors and collectors, and the several persons belonging to such parish or place charged to such duties and who shall have made failure in the payment thereof, in case an assessment shall have been made; which said commissioners, assessors, and collectors, and any person or persons charged with such duties shall be respectively liable to process for such neglect by the order of such barons according to the exigency of the case; which process shall be by writ of distringas, to be forthwith and from time to time as there shall be occasion, issued out of the said court on the application of the commissioners for the affairs of taxes against such of the said commissioners, officers, or persons who shall have made such failure; upon which writ of distringas the sheriff or other officer to whom the same shall be directed shall return such issues as the said court shall order at the return of such writ, and immediate process shall thereupon issue for levying the same out of and under the seal of the said Court of Exchequer, unless the said commissioners

Process shall issue, unless the commissioners of taxes certify to the Court of Exchequer that

for the affairs of taxes shall certify to the said court if in the term time, or to any one of the said barons if in the vacation, that the commissioners, officers, and other persons against whom such writ issued have complied with the directions of this Act, in which case it shall be lawful for such court or baron to cause such process to be respited till a future day, and so from time to time, or to be finally discharged.

the parties have complied with the directions of this Act, upon which the process may be respited or discharged.

XLVIII. AND be it further enacted, that all monies of the duties herein mentioned to be assessed under the regulations of this Act shall, at such times as shall be appointed for the payment thereof, be paid by the particular collectors who shall collect the same unto the receiver general now or for the time being appointed by his Majesty, his heirs or successors, or by the lord high treasurer for the time being, or the commissioners of the Treasury for the time being, or any three or more of them, to receive the same, or the deputy or deputies of such receiver general, to be appointed under his hand and seal, and whom he is hereby authorized to appoint, and for whom he shall be answerable [Rep., Stat. Law Rev. Act, 1872.], ...

Collectors to pay the amount of the duties to the receiver general or his deputy.

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LI. AND be it further enacted, that no collector or collectors of any of the duties herein mentioned shall collect or gather the same by any rate or book other than such rate and book as shall be signed and allowed by such commissioners as aforesaid, or any two or more of them; and that in case any such collector or collectors shall collect the same by any other rate or book, or shall receive such duties from any person or persons not charged therewith, or shall collect from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book after the same hath been signed and allowed by such commissioners as aforesaid, every such collector or collectors shall for every such offence forfeit the sum of one hundred pounds.

Collectors gathering by a false rate, or receiving duties not charged in the rate, &c., or fraudulently altering any rate, to forfeit 100*l.*

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LIII. AND be it further enacted, that at every time and place appointed by the commissioners of the district for the collectors to pay in the monies to be paid to the receiver general or his deputy, the said receiver general or his deputy under his hand shall deliver a list or certificate fairly written to such person as such commissioners, or any two or more of them, or the commissioners for the affairs of taxes, or any three or more of them for the time being shall under their hands authorize and appoint to attend then and there for that purpose, containing the several and respective sums of money then and there or before that time paid by the respective collectors for each parish, ward, or place in that district; and in case there shall be any refusal or neglect in delivering such lists or certificates as aforesaid, such receiver general or his deputy so refusing or neglecting shall forfeit any sum of money not exceeding twenty pounds.

Receivers general shall deliver a certificate of the sums received by him in each parish to such person as the commissioners of the district or the commissioners of taxes shall appoint, under a penalty not exceeding 20*l.*

LIV. AND be it further enacted, that the respective receivers general shall pay the several sums of money by them received as soon after the receipt thereof as conveniently can be done, and at such times and in such manner as shall be directed under the authority of this Act; and in case such receiver general or his deputy shall pay any part of the monies paid to him or them by any collector to any person or persons whatsoever, other than into the receipt of his Majesty's said Exchequer, and at or within the respective times limited by this Act, (except the necessary charges of receiving, levying, managing, paying, and accounting for the same as is herein-after directed, and except such payments as shall be made by authority of any Act or Acts of Parliament,)

Receivers general to pay the monies received by them into the Exchequer under penalty of 500*l.*

then such receiver general shall for every such offence of himself or his deputy forfeit the sum of five hundred pounds.

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Receivers general returning any sums as in arrear or causing any persons to be set insuper for any sum after receipt of the same shall forfeit double the damages occasioned and also double the sums.

LVI. AND to the intent the receivers general may return a true account into his Majesty's Court of Exchequer of such sums of money as shall be received by them and every of their deputy and deputies, be it further enacted, that if any such receiver general shall return or certify unto the said court any sum or sums of money to be in arrear or unpaid after the same have been received either by such receiver general or his deputy or deputies or any of them, or shall cause any person or persons to be set insuper in the said court for any sum or sums of money that have been so received, that then every such receiver general shall forfeit to every person and persons that shall be molested, vexed, or damaged by reason of such unjust certificate, return, or setting insuper, double the damages that shall be thereby occasioned, the said damages to be recovered by action of debt, bill, plaint or information, in which no essoign, protection, or wager of law shall be allowed, nor any more than one imparlance, and shall also forfeit to his Majesty, his heirs and successors, double the sum that shall be so unjustly certified or returned or cause to be set insuper, to be recovered as other penalties may be recovered by this Act.

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Constables, &c. to be aiding and assisting in the execution of this and the other Acts.

LIX. PROVIDED always, and be it further enacted, that all constables, headboroughs, tythingmen, and other his Majesty's officers shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this Act, and of every Act or Acts for granting duties to be assessed under the regulations of this Act, and to obey and execute such precepts and warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any two or more of them.

Persons obstructing officers to forfeit 50*l*.

LX. AND be it further enacted, that if any person or persons shall at any time hereafter wilfully obstruct any assessor or assessors, collector or collectors, surveyor or surveyors, inspector or inspectors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall for every such offence forfeit the sum of fifty pounds.

Officers to follow such instructions, &c. as they shall receive from the commissioners of the Treasury.

LXI. AND be it further enacted, that the said receivers general, their deputy and deputies, surveyors, inspectors, and all other officers and persons who shall be employed in the execution of this Act, or any Act or Acts for granting duties to be assessed under the regulations of this Act, shall observe and follow such orders, instructions, and directions as they shall from time to time receive from the said commissioners of the Treasury or any three or more of them now or for the time being, or the high treasurer for the time being.

Application of penalties sued for within twelve months.

LXII. AND be it further enacted, that one moiety of all pecuniary penalties and forfeitures imposed by this Act, or any Act or Acts for granting duties to be assessed under the regulations of this Act, may, if sued for within the space of twelve calendar months from the time of such penalties being incurred in manner herein next mentioned, be to his Majesty, his heirs and successors, and the other moiety thereof with full costs of suit to the person or persons who shall inform or sue for the same within the time aforesaid, except where any penalty is or shall be directed to be paid to the use of the poor of any parish; and all such penalties may be sued for in his Majesty's Court of Exchequer at Westminster for offences committed in England or Berwick-upon-Tweed, or in the courts of great sessions in Wales for offences committed in Wales, by action of debt or information, wherein no essoign, protection, privilege, wager of law, nor more than one imparlance shall be allowed [Rep., Stat. Law Rev. Act, 1872.]; *

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Recovery and application of penalties.

LXIII. PROVIDED always, and be it further enacted, that any such penalty or forfeiture shall be recoverable in the name of his Majesty's attorney general on the part of his Majesty, by information in the Court of Exchequer at Westminster; . . . . . .

Penalties not exceeding 20*l.* to be recoverable before two commissioners, and also such penalties exceeding that amount as are directed to be added to the assessments.

LXIV. PROVIDED always, and be it further enacted, that all such pecuniary penalties not exceeding twenty pounds, imposed by this Act or any Act or Acts for granting duties to be assessed under the regulations of this Act, may be recoverable before two or more commissioners for executing this Act, and also such of the penalties exceeding twenty pounds as are directed to be added to the assessment of the duties in any parish, ward, or place in the district where the offence shall be committed; and such commissioners shall take cognizance of such offence, upon information or complaint in writing made to them, and upon a summons to the party accused to appear before the said commissioners at such time and place as they shall fix, or without such summons in case the party or parties shall have been surcharged before the said commissioners, and shall have appealed against the same, and shall appear upon such appeal before the said commissioners; and such commissioners shall examine into the matter of fact, and proceed to hear and determine the same in a summary way, and upon proof made thereof, either by voluntary confession of the party accused or by the oath or solemn affirmation of one or more credible witness or witnesses, or otherwise, as the case may require, to give judgment for the penalty, or for such part thereof, to which part thereof the said commissioners shall think proper to mitigate, the same not being in any case less than one moiety of such penalties, and to assess the same upon the party, and charge the same in the assessment to which the penalty adjudged shall particularly relate, and in addition to the duty, in case the party shall be charged therewith, and which penalties so adjudged shall be levied in like manner as the said duties; . . . . . and the said adjudication of the commissioners shall be final and conclusive to all intents and purposes without power of appealing from the same; and the proceedings of the commissioners shall not be removeable by any process whatever into any court of law or equity; or be subject to revision, except in such cases where a surcharge shall be made, and a case shall be demanded and stated for the opinion of one of the justices or barons of the superior courts, conformably to the directions contained in any Act or Acts granting the duties to which such surcharges shall relate. [Rep., Stat. Law Rev. Act, 1872.]

Commissioners may mitigate penalties to the extent of one moiety thereof.

Proceedings of commissioners not to be subject to revision except where a surcharge is made and a case stated for the opinion of the judges.

Persons giving false evidence &c. before commissioners, and convicted thereof, shall be liable to the punishments for perjury.

LXV. AND be it further enacted, that if any person or persons upon any examination on oath or affirmation shall wilfully give false evidence, or make any false oath or affirmation or affidavit, or shall wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue before the commissioners for executing this Act, or any of them, touching any matter or thing within the intent and meaning of this Act, or any Act or Acts for granting duties to be assessed under the regulations of this Act, shall be prosecuted for the same; every such person or persons being convicted thereof shall be subject and liable to the same punishment and disqualifications as persons are subject and liable to for wilful and corrupt perjury by the laws and statutes of the realm of England.

Indictment for perjury to be tried in the county where

LXVI. AND be it further enacted, that any indictment or information for perjury committed in any such examination, affidavit, or deposition whereon the same shall be made shall and may be laid, tried, and determined in the

the affidavit, &c. shall be exhibited.

county where the same shall be exhibited to the commissioners in pursuance of this Act or the said Act or Acts before mentioned.

LXVII. AND whereas many difficulties and inconveniences have arisen to the commissioners for the time being acting in the execution of the several Acts relating to the duties under the management of the commissioners for the affairs of taxes to be levied by them, and many like difficulties may arise to the commissioners for the time being acting in the execution of this Act or any other Act or Acts for granting duties to be assessed under the regulations of this Act, in levying the duties by the said Acts made payable, upon the death or removal of their respective clerks into whose custody all the duplicates of the several books of assessments, minute books, and other books and papers relating to the business of the said several duties in their respective divisions have been delivered, such clerks so removed, or the executors or administrators or legal representatives of such clerk so dying, frequently refusing to deliver over such duplicates, books, and papers to the said commissioners for the time being, or to their order or appointment, under a pretence that the said commissioners have no property in the same, and are without remedy for the recovery thereof: Be it therefore enacted, that all and every the duplicates of the several books of assessments which have been or shall be made and delivered by the respective assessors of the said several duties to the commissioners in any division or place, or to their respective clerks for the time being, and which are or shall be in the custody, keeping, or possession of such commissioners or clerks respectively, and all minute books and other public books and papers relating to the said several duties in the custody, keeping, or possession of any such clerk or clerks who hath or have been or shall be removed from such office or offices, or in the custody, keeping, or possession of the executors, administrators, or other legal representatives of any person or persons who hath or have died or shall die during his or their holding such office or offices, or after his or their removal from the same, or in the custody, keeping, or possession of his or their respective agent or attorney, or of any other person or persons soever, shall be deemed and are hereby declared to be the property of the commissioners of the said several duties acting in the respective divisions or places for the time being, and in succession, as records of and belonging to them the said commissioners, for their use and inspection, and shall be placed and deposited with and remain in the custody, keeping, and possession of them the said commissioners, or their respective clerks for the time being, or such other person as the said commissioners or any two or more of them for the time being shall from time to time at their meetings order, direct, or appoint.

Books of assessments, and all other books and papers relating to the duties shall be deemed the property of the commissioners in the several districts for the time being, and in succession.

LXVIII. AND be it further enacted, that all and every person and persons whatever now or at any time hereafter having in his or their custody, keeping, or possession any such books or papers aforesaid relating to the said several duties in this Act mentioned, shall, within the space of one calendar month next after notice in writing signed by three or more of the commissioners for the affairs of taxes (a true copy thereof being given to or left at the usual place of abode of such person or persons), deliver and give up all such books and papers unto such person or persons as the said commissioners for the affairs of taxes by such notice shall order and appoint, whose receipt of the same shall be a good and sufficient discharge to such person or persons so delivering such books and papers; and if any such person or persons now or

Persons having any books or papers relating to the duties shall, on notice, under penalty of 50*l.*, deliver the same to such persons as the commissioners of taxes shall appoint; who shall deliver the same to such of the commissioners

at any time hereafter having in his or their custody, keeping, or possession any such books or papers shall refuse or neglect to deliver the same within the time limited by such notice and demand made, he or they shall for every such offence forfeit and pay the sum of fifty pounds; and all such books and papers shall be delivered by the person or persons so appointed to such of the commissioners for executing this Act as the said commissioners for the affairs of taxes shall think proper for the effectual and speedy execution of the powers by this Act granted.

for executing this Act as the commissioners of taxes shall direct.

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LXX. AND be it further enacted, that if any action or suit shall be brought against any person or persons for anything done in pursuance of this Act or any Act for granting duties to be assessed under the regulations of this Act, such action or suit shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and no writ or process shall be sued out for the commencement of such action or suit until one calendar month next after notice in writing shall have been delivered to or left at the usual place of abode of such person or persons by the attorney or agent for the intended plaintiff or plaintiffs, in which notice shall be clearly and completely contained the cause and causes of action, the name and place or places of abode of the intended plaintiff or plaintiffs, and of his or their attorney or agent, and no evidence shall be given on the trial of such action or suit of any cause or causes of action than such as is or are contained in such notice; and the intended defendant or defendants to whom such notice shall have been delivered may, at any time before the expiration of such calendar month, tender amends to the intended plaintiff or plaintiffs, his or their attorney or agent, and in case such amends are not accepted may plead such tender in bar to any action or suit to be brought against him or them grounded on such notice, writ, or process; and the defendant or defendants in every such action or suit may plead the general issue, and also such tender and any other plea, with leave of the court, in bar of such action or suit, and may give this Act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, and if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in any other case to recover costs by law [Rep., 5 & 6 Vict. c. 97. s. 2.]; and every such action or suit which shall be brought against any collector or collectors appointed under this Act shall be defended by the commissioners acting for the division or place where such collector shall have been appointed, and the costs and charges attending the same, as also any other action or suit to be brought by or against commissioners or collectors in pursuance of this Act, or for anything done in pursuance of this Act or any Act for granting duties to be assessed under the regulations of this Act, shall be defrayed by an assessment made on the parish or place for which such collector or collectors shall have been appointed, in a just proportion to the amount of the duties payable under this Act on the respective persons charged to the same in the assessment to be made next after the time when the said costs and charges shall have been incurred.

Limitation of actions.

One month's notice of action to be given by the attorney for the intended plaintiff, containing certain particulars.

The intended defendant may tender amends, and such tender, if not accepted, may be pleaded in bar of action.

Defendant may plead the general issue.

Treble costs.

Actions against collectors to be defended by the commissioners of the district.

Costs of actions brought by or against commissioners or collectors to be defrayed by an assessment on the parish.

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SCHEDULE (B.)

The FORM of the OATH or AFFIRMATION required to be taken by Assessors before they act in execution of this Act.

I A.B. do swear [or affirm, as the case may require] that I will diligently execute the office of an assessor, to which I am appointed by authority of an Act passed in the forty-third year of the reign of his present Majesty, intituled "An Act" [here insert the title of this Act], and that in the assessment which I am required to make by any other Act or Acts granting to his Majesty any duties to be assessed under the regulations of the said Act I will faithfully and honestly act without favour or affection, according to the best of my skill and knowledge. So help me GOD.

CHAPTER C.

AN ACT to render more effectual two Acts made in this present Session of Parliament, for the more speedily completing the Militia of Great Britain, and for raising an additional Military Force for the better Defence of the United Kingdom. [27th July 1803.]

Recital of 43 Geo. 3. c. 50. s. 9.

WHEREAS by an Act made in this present session of Parliament, intituled "An Act for more speedily completing the militia of Great Britain "raised under two Acts passed in the forty-second year of the reign of his "present Majesty, and for amending the said Acts," it is among other things enacted that every ballotted man to be enrolled to serve in the militia of Great Britain should, previous to his enrolment, be examined upon oath before the deputy lieutenants as to his residence, age, and family; and that if any person should refuse to be examined as to his fitness to serve in the militia, such person might be imprisoned for any time not exceeding one week: And whereas doubts have arisen upon the true construction of the said Act: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, [a] that every ballotted man who shall have been or shall hereafter be ballotted to serve in the militia of Great Britain, and who shall have refused or shall refuse to be examined upon oath as directed by the said Act, and shall have been or shall be imprisoned on account of refusing to be examined as to his fitness to serve in the militia, shall notwithstanding be liable to be enrolled to serve in the said militia, if he shall appear to the deputy lieutenants a proper person to be so enrolled, in such and the like manner and under the like penalties and provisions as are enacted in any of the militia laws of Great Britain, any thing in the said Act to the contrary notwithstanding.

Sect. 14.

Every man ballotted to serve in the militia of Great Britain, who shall be imprisoned for refusing to be examined as to his fitness to serve, shall be liable to be enrolled if he shall appear a proper person.

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[a] Sect. 1. is rep., so far as relates to the militia to be raised in England, 23 & 24 Vict. c. 120. s. 26.

CHAPTER CVII.

AN ACT for effectuating certain Parts of an Act passed in the Second and Third Years of the reign of Her late Majesty Queen Anne, intituled "An "Act for the making more effectual Her Majesty's gracious Intentions "for the Augmentation of the Maintenance of the Poor Clergy, by "enabling Her Majesty to grant, in Perpetuity, the Revenues of the "First Fruits and Tenths; and also for enabling any other Persons to "make Grants for the same Purpose," so far as the same relate to Deeds and Wills made for granting and bequeathing Lands, Tenements, Hereditaments, Goods, and Chattels, to the Governors of the Bounty of Queen Anne, for the purposes in the said Act mentioned; and for enlarging the Powers of the said Governors. [27th July 1803.]

Recital of 2 & 3 Ann. c. 20. ss. 4, 5, empowering persons to grant estates, &c. to the governors of the bounty of Queen Anne, towards the augmentation of the maintenance of the clergy.

WHEREAS by an Act made in the second and third years of the reign of her late Majesty Queen Anne, intituled "An Act for the making more "effectual her Majesty's gracious intentions for the augmentation of the main- "tenance of the poor clergy, by enabling her Majesty to grant in perpetuity "the revenues of the first fruits and tenths, and also for enabling any other "persons to make grants for the same purpose," after reciting, amongst other things, that for the encouragement of such well-disposed persons as should, by her Majesty's royal example, be moved to contribute to so pious and charitable a purpose, and that such their charity might be rightly applied, it was amongst other things enacted, that all and every person and persons having in his or their own right any estate or interest, in possession, reversion, or contingency, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattels, should have full power, licence, and authority, at his, her, and their will and pleasure, by deed enrolled in such manner and within such time as is directed by the statute made in the twenty-seventh year of the reign of King Henry the Eighth for enrolment of bargains and sales, or by his, her, or their last will or testament in writing duly executed according to law, to give and grant to and vest in the corporation thereby authorized, and since erected under the name of The Governors of the Bounty of Queen Anne, and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, and hereditaments, goods and chattels, or any part or parts thereof, for and towards the augmentation of the maintenance of such ministers officiating in such church or chapel where the liturgy and rites of the said church were or should be so used or observed as in the same Act were mentioned, and having no settled competent provision belonging to the same, and to be for that purpose applied, according to the will of the said benefactor in and by such deed enrolled or by such will or testament executed as aforesaid expressed, and in default of such direction, limitation, or appointment, in such manner as by her Majesty's letters patent should be directed or appointed as aforesaid, and such corporation and their successors should have full capacity and ability to purchase, receive, take, hold, and enjoy for the purposes aforesaid, from such persons as should be so charitably disposed to give the same, any manors, lands, tenements, goods, or chattels, without any licence or writ of ad quod damnum, the statute of mortmain or any other statute or law to the contrary notwithstanding: And it was by the same Act provided, that that Act, or any thing therein contained, shall not

Sect. 6.

extend to enable any person or persons being within age, or of non-sane memory, or women covert without their husbands, to make any such gift, grant, or alienation, any thing in that Act contained to the contrary in anywise notwithstanding: And whereas the beneficial effect and operation of the said Act have been considerably obstructed and retarded by an Act passed in ninth year of the reign of his late Majesty King George the Second, intituled "An Act to restrain the disposition of lands, whereby the same become unalienable": For remedy thereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act of her late Majesty Queen Anne as is herein recited shall be and remain in full force and effect, the said Act of his late Majesty King George the Second or any other Act or law to the contrary notwithstanding.

9 Geo. 2. c. 36.

So much of 2 & 3 Ann. c. 20. as is herein recited shall remain in force, notwithstanding 9 Geo. 2. c. 36.

II. AND whereas by an Act passed in the first year of the reign of his late Majesty King George the First, intituled "An Act for making more effectual "her late Majesty's gracious intentions for augmenting the maintenance of "the poor clergy," it was amongst other things enacted, that it should be lawful, with the concurrence of the said governors of the bounty of Queen Anne, and the incumbent, patron, and ordinary of any augmented living or cure, to exchange all or any part of the estate settled for the augmentation thereof for any other estate in lands or tythes of equal or greater value, to be conveyed to the same uses: Be it also enacted, that the said power shall be, and the same is hereby extended to all the messuages, buildings, and lands belonging to every such augmented living or cure.

Power of exchanging lands, &c. granted by 1 Geo. 1. st. 2. c. 10. s. 13. shall extend to all the lands, &c. of every augmented living.

III. AND be it further enacted, that where a living shall have been or shall be augmented by the said governors, either by way of lot or benefaction, and there is no parsonage house suitable for the residence of the minister, it shall and may be lawful for the said governors, and they are hereby empowered, from time to time, in order to promote the residence of the clergy on their benefices, to apply and dispose of the money appropriated for such augmentation and remaining in their hands, or any part thereof, in such manner as they shall deem most advisable, in or towards the building, rebuilding, or purchasing a house and other proper erections within the parish convenient and suitable for the residence of the minister thereof; which house shall for ever thereafter be deemed the parsonage house appertaining to such living to all intents and purposes whatsoever; any thing in any Act or Acts or the rules of the said governors contained to the contrary notwithstanding.

Where an augmented living has no suitable parsonage house the governors may provide one.

CHAPTER CVIII.

AN ACT to promote the building, repairing, or otherwise providing of Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church Yards and Glebes.[a] [27th July 1803.]

WHEREAS a sufficient number of churches and chapels for the celebration of divine service according to the rites and ceremonies of the United Church of England and Ireland, and of mansion houses with competent glebes

[a] Rep., so far as relates to the kingdom of Ireland, 14 & 15 Vict. c. 71.

for the residence of ministers officiating in such churches and chapels, is necessary towards the promotion of religion and morality: And whereas the same are either wholly wanting or materially deficient in many parts of England and Ireland: And whereas many well disposed persons would be desirous of contributing towards the supply of such defects if they were enabled so to do in the manner herein-after directed: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every person and persons having in his or their own right any estate or interest in possession, reversion, or contingency, of or in any lands or tenements, or of any property of or in any goods or chattels, shall have full power, licence, and authority, at his and their will and pleasure, by deed inrolled in such manner and within such time as is directed in England by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, and in Ireland by the statute made in the tenth year of the reign of King Charles the First, for inrolment of bargains and sales, or by his, her, or their last will or testament in writing duly executed according to law, such deed or such will or testament being duly executed three calendar months at least before the death of such grantor or testator, including the days of the execution and death, to give and grant to and vest in any person or persons, or body politick or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in such lands or tenements, not exceeding five acres, or goods and chattels, or any part or parts thereof, not exceeding in value five hundred pounds, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the liturgy and rites of the said united church are or shall be used or observed, or any mansion house for the residence of any minister of the said united church officiating or to officiate in any such church or chapel, or of any out-buildings, offices, churchyard, or glebe for the same respectively, and to be for those purposes applied according to the will of the said benefactor in and by such deed enrolled or by such will or testament executed as aforesaid expressed, the consent and approbation of the ordinary being first obtained, and in default of such direction, limitation, or appointment, in such manner as shall be directed and appointed by the patron and ordinary, with the consent and approbation of the parson, vicar, or other incumbent; and such person and persons, bodies politick and corporate, and their heirs and successors respectively shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same as from all other persons as shall be willing to sell or aliene to such person or persons, bodies politick or corporate, any lands or tenements, goods or chattels, without any licence or writ of ad quod damnum, the statute of mortmain or any other statute or law to the contrary notwithstanding: Provided always, that this Act or anything therein contained shall not extend to enable any person or persons, being within age or of non-sane memory, nor women covert without their husbands, to make any such gift, grant, or alienation, anything in this Act contained to the contrary in any wise notwithstanding.

Persons by deed enrolled or will may give lands not exceeding five acres, or goods and chattels not exceeding 500*l.* for the purposes of this Act.

But such powers not to be exercisable by persons within age or insane, &c.

Only one such gift shall be made by one person, and where it exceeds five acres or 500*l.* the lord chancellor may, on petition, order it to be reduced, &c.

II. PROVIDED also, and it is hereby further enacted, that no more than one such gift or devise shall be made by any one person, and that if any such gift or devise as aforesaid shall happen to exceed five acres in lands or tenements, or the value of five hundred pounds in goods and chattels, every such gift or devise shall be good and valid to the extent aforesaid; and it shall be lawful for the lord chancellor for the time being, on petition, to make order for reducing every such gift or devise to and within the said limits, and for allotting such specifick five acres, and, if occasion should require, such specifick goods and chattels as in his judgement shall be most convenient, and to make such further order touching the premises as to him shall appear just and reasonable.

No glebe upwards of 50 acres shall be augmented with more than one acre.

III. PROVIDED also, that no glebe containing upwards of fifty acres shall be augmented with more than one acre under or by virtue of this Act; but that the excess, if any, given or devised for the purpose of such augmentation shall be reduced in manner aforesaid by the said lord chancellor, and such order thereupon shall be by him made as herein-before is directed in the case of an excess beyond five acres.

Plots of land not exceeding one acre held in mortmain, lying convenient to be annexed to some church, &c. may be granted either by way of exchange or benefaction for that purpose.

IV. AND whereas it often happens that small plots of land held in mortmain lie convenient to be annexed to some such church or chapel, or house of residence as aforesaid, or to some churchyard or curtilage thereto belonging or convenient to be employed as the scite of some such church or chapel or house to be hereafter erected, and for the necessary and commodious use and enjoyment thereof, and that they might be so employed to the advantage of the publick, and without detriment to the proprietors thereof, if they were enabled to give and grant the same for the purposes aforesaid: Be it therefore further enacted, that it shall be lawful for every body politick or corporate, sole or aggregate, by deed inrolled as aforesaid, with or without confirmation, as the law may require, to give and grant, either by way of exchange or benefaction, any such small plot of land, not exceeding one acre, to any person or persons, body politick or corporate, his and their heirs and successors respectively, to be held, used, and applied for the purposes aforesaid; and such last-mentioned person and persons, bodies politick and corporate, and their heirs and successors respectively shall have full capacity and ability, with consent of the incumbent, patron, and ordinary, to take, hold, and enjoy such small plot of land for the purposes aforesaid, without any licence or writ of ad quod damnum, the statute of mortmain or any other Act or law to the contrary notwithstanding.

Accommodation to be provided for persons resorting to church, &c.

V. PROVIDED also, and it is hereby further enacted and declared, that in every parochial church or chapel hereafter to be erected ample provision shall be made for the decent and suitable accommodation of all persons, of what rank or degree soever, who may be entitled to resort to the same, and whose circumstances may render them unable to pay for such accommodations.

Rights of giving or devising not affected.

VI. PROVIDED also, that nothing in this Act contained shall be construed to take away or abridge any right of giving or devising which already exists in any person whatsoever.

CHAPTER CXXIX.

AN ACT to amend so much of an Act made in this Session of Parliament, for granting additional Duties of Excise, as relates to the Exportation of Tea to Ireland; for regulating the granting of Permits for the Removal of Coffee, Tea, and Cocoa Nuts out of Warehouse, and for more effectually securing the Duties on Coffee. [11th August 1803.]

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V. AND whereas by an Act made in the forty-first year of the reign of his present Majesty, intituled "An Act for the better regulation and collection of certain duties of "excise," it was enacted, that if any commodity manufactured in imitation of or to resemble coffee, or to serve as a substitute for coffee or alledged so to be, should be made for sale or sold, or should be found in the custody or possession of any dealer or dealers in or seller or sellers of coffee in Great Britain, the same should be forfeited, together with the packages containing the same, and should and might be seized by any officer or officers of excise, and the person or persons so making or selling the same, or the dealer or dealers in or seller or sellers of coffee in whose custody or possession the same should be found should forfeit and lose the sum of fifty pounds: And whereas the said recited clause has been found by experience not to answer the good purposes thereby intended, and it is therefore expedient to repeal the same, and in lieu thereof to make such provision as is herein-after mentioned: Be it therefore enacted, that from and after the first day of September one thousand eight hundred and three the said recited clause shall be, and the same is hereby repealed, save and except in all cases relating to any fine, penalty, or forfeiture, fines, penalties, or forfeitures, which, on or before the said first day of September one thousand eight hundred and three, shall be incurred under or by virtue of the said recited clause; and that from and after the said first day of September one thousand eight hundred and three [Rep., Stat. Law Rev. Act, 1872.] if any burnt, scorched, or roasted peas, beans, or other grain, or vegetable substance or substances prepared or manufactured for the purpose of being in imitation of or in any respect to resemble coffee or cocoa, or to serve as a substitute for coffee or cocoa, or alledged or pretended by the possessor or vender thereof so to be, shall be made or kept for sale or shall be offered or exposed to sale, or shall be found in the custody or possession of any dealer or dealers in or seller or sellers of coffee or cocoa, or of any burnt, scorched, or roasted peas, beans, or other grain, or vegetable substance or substances not being coffee or cocoa, shall be called by the preparer, manufacturer, possessor, or vender thereof by the name of English or British coffee, or any other name of coffee, or by the name of American cocoa or English or British cocoa or any other name of cocoa, the same respectively shall be forfeited, together with the packages containing the same, and shall and may be seized by any officer or officers of excise, and the person or persons preparing, manufacturing, or selling the same, or having the same in his, her, or their custody or possession, or the dealer or dealers in or seller or sellers of coffee or cocoa, in whose custody the same shall be found, shall forfeit and lose the sum of one hundred pounds.

41 Geo. 3. (U. K.) c. 91. s. 3.

If any article prepared for the purpose of resembling coffee or cocoa shall be found in the possession of any dealer, or shall be called by him English or British coffee, &c., it shall be forfeited, and the dealer shall forfeit 100*l.*

CHAPTER CXXXIX.

AN ACT for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of Foreign Copper Money. [11th August 1803.]

WHEREAS the practice of forging and counterfeiting foreign bills of exchange, foreign promissory notes, and foreign orders for payment of money hath of late greatly increased, and plates of such bills, notes, and orders have been in some instances engraven within the United Kingdom of Great Britain and Ireland, whereby such forgeries have been more easily committed; and it is expedient that effectual provision should be made for the preventing of the same: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, [a] that if any person from and after the passing of this Act shall, within any part of the United Kingdom of Great Britain and Ireland, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting any bill of exchange, or any promissory note, undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order for the payment of money of any foreign prince, state, or country whatsoever, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident in any foreign state or country, or of any body corporate and politic, and body in the nature of a body corporate and politic, created or constituted by any foreign prince or state, with intent to deceive or defraud his Majesty, his heirs and successors, or any such foreign prince, state, or country, or with intent to deceive or defraud any person or company of persons whomsoever, or any body corporate and politic, or body in the nature of a body corporate and politic whatsoever, whether the same be respectively resident, carrying on business, constituted or being in any part of the United Kingdom or in any foreign state or country, and whether such bill of exchange, promissory note, or order be in the English language, or in any foreign language or languages, or partly in one and partly in the other; or if any person from and after the passing of this Act shall, within any part of the said United Kingdom, tender in payment or in exchange, or otherwise utter or publish as true any such false, forged, or counterfeited bill of exchange, promissory note, undertaking, or order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud his Majesty, his heirs and successors, or any foreign prince, state, or country, or any person or company of persons, or any body corporate and politic, or body in the nature of a body politic and corporate as aforesaid; then every person so offending shall be deemed and taken to be guilty of felony, and being thereof lawfully convicted, shall be transported for any term of years not exceeding fourteen years.

Persons forging, &c. foreign bills of exchange, &c. or tendering the same in payment, &c. to be deemed guilty of felony, and be transported.

[a] Sect. 1. is rep. as to England, 11 Geo. 4. & 1 Will. 4. c. 66. s. 31.; as to Ireland, 24 & 25 Vict. c. 95. s. 1.

[III.[a]] AND be it further enacted, that no person from and after the passing of this Act shall, within any part of the United Kingdom of Great Britain and Ireland, engrave, cut, etch, scrape, or by any other means or devise, make or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or devise making in or upon any plate whatsoever any bill of exchange, or any promissory note or undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order of any foreign prince, state, or country, or of any minister or officer entrusted by or employed in the service of any foreign prince, state, or country, or of any person or company of persons resident or being in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, or constituted by any foreign prince or state, or any part of any such bill of exchange, promissory note, undertaking, or order, without an authority in writing for that purpose from such foreign prince, state, or country, minister or officer, person, company of persons, or body corporate and politic, or body in the nature of a body corporate and politic, or from some person duly authorized to give such authority, or shall within any part of the said United Kingdom without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such foreign bill of exchange, promissory note, undertaking, or order for the payment of money or any part thereof, or knowingly, wilfully, and without lawful excuse (the proof whereof shall lie upon the party accused) have in his or her custody any such plate or device or any impression taken from the same; and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanour and breach of the peace, and being thereof convicted according to law shall be liable for the first offence to be imprisoned for any time not exceeding six months, or to be fined or to be publickly or privately whipped, or to suffer one or more of the said punishments, and for the second offence to be transported to any of his Majesty's colonies or plantations for the term of fourteen years: Provided always, that nothing in this Act contained shall extend or be construed to extend in any manner whatsoever to repeal or alter any law or statute now in force for the prevention or punishment of the crime of forgery in any respect whatsoever within any part of the said United Kingdom.

Persons engraving or unlawfully possessing plates for foreign bills of exchange, &c., or printing them, without lawful authority, to be deemed guilty of a misdemeanour.

Act not to alter any law in force for the punishment of forgery.

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CHAPTER CXL.

AN ACT to enable the Judges of His Majesty's Courts of Record at Westminster to award Writs of Habeas Corpus for bringing persons detained in Gaol before Courts Martial, and the several Commissioners therein mentioned. [11th August 1803.]

WHEREAS writs of habeas corpus have been frequently awarded by the judges of his Majesty's courts of record at Westminster for bringing persons detained in custody under civil or criminal process before magistrates

[a] Rep. as to England, 11 Geo. 4. & 1 Will. 4. c. 66. s. 31.; as to Ireland, 24 & 25 Vict. c. 95. s. 1.]

or courts of record as well for trial as for examination touching matters depending before such magistrates or courts respectively, but doubts have arisen whether such judges have power to award writs of habeas corpus for bringing persons detained as aforesaid before courts martial, commissioners of bankrupt, commissioners for auditing the publick accounts, or other commissioners acting under commission or warrant from his Majesty: And whereas it is expedient to make provision for bringing prisoners before such courts martial or commissioners for the purposes herein-before mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any judge of his Majesty's Courts of King's Bench or Common Pleas respectively, or for any baron of his Majesty's Court of Exchequer of the degree of the coif, at his discretion, to award a writ or writs of habeas corpus for bringing any prisoner or prisoners detained in any gaol or prison in that part of the United Kingdom of Great Britain and Ireland called England before any court martial, or before any commissioners of bankrupt, commissioners for auditing the publick accounts, or other commissioners acting by virtue or under the authority of any commission or warrant from his Majesty, his heirs or successors, for trial, or to be examined touching any matter depending before such courts martial or commissioners respectively; and the like proceedings shall be had upon such writ or writs of habeas corpus so to be awarded as aforesaid as by law may now be had upon writs of habeas corpus for bringing persons detained in gaol before magistrates or courts of record for such purposes as aforesaid; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Any judge of the courts at Westminister may award a writ of habeas corpus for bringing any prisoner in any gaol in England before a court martial, commissioners of bankrupt, &c.

CHAPTER CXLI.

AN ACT to render Justices of the Peace more safe in the Execution of their Duty.[a] [11th August 1803.]

WHEREAS it is expedient that justices of the peace in Great Britain and Ireland respectively, who by virtue of divers Acts of Parliament in force in the United Kingdom are authorized and required to convict persons of sundry offences in a summary way, should be rendered more safe in the execution of such their duty: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all actions whatsoever which shall at any time after the passing of this Act be brought against any justice or justices of the peace in the United Kingdom of Great Britain and Ireland, for or on account of any conviction by him or them had or made under or by virtue of any Act or Acts of Parliament in force in the said United Kingdom, or for or by reason of any act, matter, or thing whatsoever, done or commanded to be done

In actions brought against justices on account of any conviction, &c. the plaintiff, besides any penalty that may have been

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[a] Rep. as to England, 11 & 12 Vict. c. 44. s. 17.; as to Ireland, 12 & 13 Vict. c. 16. s. 17.

by such justice or justices for the levying of any penalty, apprehending any party, or for or about the carrying of any such conviction into effect, in case such conviction shall have been quashed, the plaintiff or plaintiffs in such action or actions, besides the value and amount of the penalty or penalties which may have been levied upon the said plaintiff or plaintiffs, in case any levy thereof shall have been made, shall not be entitled to recover any more or greater damages than the sum of twopence, nor any costs of suit whatsoever, unless it shall be expressly alleged in the declaration in the action wherein the recovery shall be had, and which shall be in an action upon the case only, that such acts were done maliciously and without any reasonable and probable cause.

levied upon him, shall be entitled only to 2*d.* damages, unless malice be alleged in the declaration.

II. AND be it further enacted, that such plaintiff shall not be entitled to recover against such justice any penalty which shall have been levied, nor any damages or costs whatsoever, in case such justice shall prove at the trial that such plaintiff was guilty of the offence whereof he had been convicted, or on account of which he had been apprehended or had otherwise suffered, and that he had undergone no greater punishment than was assigned by law to such offence.

Plaintiff not entitled to recover if the justice prove that the offence was committed.

CHAPTER CXLIII.

AN ACT for the rendering Justices of the Peace and Governors and Deputy Governors of Counties and Places in Ireland more safe in the Execution of their Office; and for indemnifying Constables and others acting in Obedience to the Warrants of such Justices of the Peace, Governors, and Deputy Governors respectively.[a] [11th August 1803.]

WHEREAS justices of the peace and other magistrates and persons in Ireland are discouraged in the execution of their office by vexatious actions brought against them, or by reason of small and involuntary errors in their proceedings: And whereas it is necessary that they should be (as far as is consistent with justice and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of their several offices and trusts: And whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several laws and statutes committed to the care and execution of the said justices of the peace and other magistrates and persons: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August one thousand eight hundred and three no writ shall be sued out against nor any copy of any process at the suit of a subject shall be served on any justice of the peace or governor or deputy governor of any county or place in Ireland for any thing by him done in the execution of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at the usual place of his abode by the attorney or agent for the party who intends to sue out or serve or cause the same to be sued out or served, at least one calendar

After Aug. 1, 1803, no writ shall be sued out against or copy of process served on any justice, &c. for any thing done in the execution of his office, until one month's notice be given, &c.

[a] Rep., so far as relates to actions against justices of the peace, 12 & 13 Vict. c. 16. s. 17.

month before the suing out or serving the same; in which notice shall be clearly and explicitly contained the cause of action which such party hath or claimeth to have against such justice of the peace or governor or deputy governor respectively; on the back of which notice shall be indorsed the name of such attorney or agent, together with the place of his abode, who shall be entitled to have the fee of twenty shillings for the preparing and serving such notice and no more.

Amends may be tendered to the party complaining, and if not accepted, the tender may be pleaded in bar.

II. AND be it further enacted, that it shall and may be lawful for such justice of the peace or governor or deputy governor respectively at any time within one calendar month after such notice given as aforesaid to tender amends to the party complaining, or to his or her agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him grounded on such writ or process, together with the plea of not guilty, and any other plea with the leave of the court; and if upon issue joined thereon the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case or in case the plaintiff shall become non-suit, or shall discontinue his or her action, or in case judgement shall be given for such defendant or defendants upon demurrer, such justice or governor or deputy governor respectively shall be entitled to the like costs as he would have been entitled unto in case he had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

No plaintiff to recover verdict unless proof is made that notice was given.

III. AND be it further enacted, that no such plaintiff shall recover any verdict against such justice or governor or deputy governor respectively in any case where the action shall be grounded on any act of the defendant as justice of the peace or governor or deputy governor, unless it is proved upon the trial of such action that such notice was given as aforesaid; but in default thereof, such justice or governor or deputy governor respectively shall recover a verdict and costs as aforesaid.

Amends may be paid into court before issue joined.

IV. AND be it further enacted, that in case such justice or governor or deputy governor respectively shall neglect to tender any amends or shall have tendered insufficient amends before the action brought, it shall and may be lawful for him, by leave of the court where such action shall depend, at any time before issue joined to pay into court such sum of money as he shall see fit, whereupon such proceedings, orders, and judgements shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

No evidence of any cause of action except what is contained in notice shall be admitted.

V. AND be it further enacted, that no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid of any cause of action, except such as is contained in the notice hereby directed to be given.

No action shall be brought against constables, &c. for any thing done under a warrant of a justice, &c., unless de-

VI. AND be it further enacted, that from and after the said first day of August no action shall be brought against any constable or other officer in Ireland, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or hand and seal of any justice of the peace or governor or deputy governor of any county or place in Ireland, until demand hath been made or left at the usual place of his abode

by the party or parties intending to bring such action, or by his, her, or their attorney or agent, in writing signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith by shewing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable or other officer or against such person or persons acting in his aid for any such cause as aforesaid, without making the justice or justices or governors or deputy governors respectively who signed or sealed the said warrant, defendant or defendants therein, on producing or proving such warrant at the trial of such action the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such justice or justices or governors or deputy governors respectively; and if such action be brought jointly against such justice or justices or governors or deputy governors respectively, and also against such constable or other officer or person acting in his or their aid as aforesaid, then on proof of such warrant the jury shall find for such constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against such justice or justices or governors or deputy governors respectively, in such case the plaintiff or plaintiffs shall recover his, her, or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid: Provided always, that where the plaintiff in any such action against any such justice of the peace or governor or deputy governor respectively shall obtain a verdict, in case the judge before whom the cause shall be tried shall in open court certify on the back of the record that the injury for which such action was brought was wilfully and maliciously committed, the plaintiff shall be entitled to have and receive double costs of suit. [Rep., 5 & 6 Vict. c. 97. s. 2.]

mand for inspection, &c. of the warrant shall have been refused for six days.

If demand be complied with, the constable, &c. shall have a verdict notwithstanding any defect of jurisdiction in the justice, &c.

VII. PROVIDED also, and be it enacted, that no action shall be brought against any such justice of the peace or governor or deputy governor respectively for any thing done in the execution of his office, or against any such constable or other officer or person acting as aforesaid, unless commenced within six calendar months after the act committed.

Limitation of actions.

CHAPTER CL.

AN ACT for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes; and for amending the said Acts so far as the same relate to that Part of Great Britain called Scotland.

[11th August 1803.]

WHEREAS it is expedient that certain of the provisions and powers contained in any Acts in relation to the duties on windows or lights, on inhabited houses, on servants, carriages, horses, mules, and dogs, and other duties transferred to the commissioners for the affairs of taxes, as far as the same extend to that part of Great Britain called Scotland, should be reduced into one Act of Parliament, and amended in the particulars herein mentioned: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Duties under the management of the commissioners for taxes in Scotland shall be assessed under the regulations of this Act.

Parliament assembled, and by the authority of the same, that all duties now under the management of the commissioners for the affairs of taxes, and also the monies arising from an aid granted to his Majesty by a land tax by an Act passed in the thirty-eighth year of the reign of his present Majesty, so far as the same relate to Scotland, shall from and after the time herein-after mentioned for the commencement of this Act be assessed, raised, levied, and paid, under the regulations of this Act.

Commencement of Act as to existing duties.

II. AND be it further enacted, that this Act, with respect to the duties before mentioned, shall commence and take effect from and after the twenty-fourth day of May in the year of our Lord one thousand eight hundred and four. [Rep., Stat. Law Rev. Act, 1872.]

Commencement of Act as to other duties.

III. AND whereas new or other duties may hereafter be placed under the management of the said commissioners for the affairs of taxes to be assessed under the regulations of this Act: Be it further enacted, that this Act with respect to such duties shall be construed to commence and take effect from and after the times respectively appointed by the Act or Acts granting such duties.

No person except the sheriff depute, &c. shall act as a commissioner under this Act, unless qualified to act under the Land Tax Act.

IV. AND be it further enacted, that no person, except the sheriff depute or substitute of any shire or stewartry in Scotland for the time being, shall be capable of acting as a commissioner in the execution of this Act or any of the said Acts before mentioned, unless he shall be duly qualified or authorized to act in Scotland in execution of the said Act passed in the thirty-eighth year of the reign of his present Majesty, intituled "An Act for granting an aid to "his Majesty by a land tax to be raised in Great Britain, for the service of the "year one thousand seven hundred and ninety-eight," nor unless he shall have taken the oaths herein-after mentioned [a]; and if any person shall from and after the time appointed for the commencement of the regulations of this Act presume to act as a commissioner in the execution of this Act or the said Act or Acts before mentioned, or any of the powers or provisions therein contained, without having taken the oaths hereby prescribed in the manner required by this Act[a], or without being qualified or authorized to act as before mentioned, he shall forfeit the sum of one hundred pounds sterling.

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Commissioners not to act where interested, under penalty of 50*l.*

VII. AND be it further enacted, that in any matter or thing touching the execution of this Act relating to the duties to be assessed under the regulations of this Act, in which any commissioner or commissioners shall be interested, either for himself, or as factor, agent, attorney, or solicitor for any other person, he shall have no voice, but shall withdraw until it shall have been determined by the rest of the commissioners; and if any commissioner shall presume to act in any of the cases before mentioned, he shall forfeit the sum of fifty pounds sterling.

Commissioners to meet annually on or before the 30th of April.

VIII. AND be it further enacted, that such commissioners as shall be duly qualified to act in the execution of this Act, in order to the speedy execution of any Act or Acts relating to the duties to be assessed under the regulations of this Act, shall, within the respective shires, stewartries, cities, or boroughs for which they severally are or shall be appointed to be commissioners, meet together yearly at their most usual or common place of meeting as commissioners of land tax within such shires, stewartries, cities, or boroughs respectively, on or before the thirtieth day of April yearly, or on such other

[a] The provisions of this Act as to the taking of oaths by the commissioners are rep., Stat. Law Rev. Act, 1872.]

stated day thereafter as conveniently can be done, and as shall be appointed by their respective conveeners, not being later than the first Wednesday of July in every year after the commencement of this Act, for charging and ordering the payments of the said duties to be made for the year current at and on the said days; and such commissioners, or so many of them as shall be present at the said meeting to be holden every year as aforesaid, or the major part of them, shall elect one fit and sufficient person to be their clerk, and one other fit and sufficient person, if the said commissioners shall deem it necessary, to be his assistant for the assessments to be made of the several duties with which the said commissioners shall be charged within their respective limits; and such commissioners shall also at such their said meeting direct their precept or precepts to such inhabitants of every parish within their several shires, stewartries, cities, or boroughs, and such number of them as the major part of the commissioners so met shall in their discretion think most convenient to be assessors to the effect after mentioned, requiring them to appear before the said commissioners at their said usual place of meeting, on a day to be specified in the said precept or precepts, which shall not exceed twenty-one days from the date of their precept; and the clerk to the said commissioners shall cause such precepts to be delivered to the persons so named assessors personally, or left at their dwelling houses within the space of ten days; and the said assessors shall, upon such day as shall be so appointed for that purpose within the time before fixed, personally appear before the commissioners at their ordinary place of meeting; and on the day so appointed the said commissioners shall again meet, and shall then openly read or cause to be read unto the assessors appointed for each parish, required to appear as aforesaid, the several duties for which they are appointed assessors, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their certificate and assessments of the said several duties committed to their charge, and shall then and there appoint another day within the time herein-after limited, for the said persons to appear again before the said commissioners, and bring in their certificates of assessment, in writing under their hands, to be verified upon their oaths or solemn affirmations and not otherwise, of all the matters and things required of them, without concealment or favour; and the said assessors are hereby strictly enjoined and required with all care and diligence to charge and assess themselves and all other persons chargeable with the said duties, and to make the assessments according to the provisions of this Act and of the said Act or Acts before mentioned, upon pain of forfeiture of any sum not exceeding twenty pounds, nor less than five pounds sterling; and the said commissioners shall have power to appoint the subsequent diets and their conveeners from time to time, subject to the provisions of this Act.

Commissioners present to elect a clerk, and if necessary an assistant;

and to issue precepts to persons fit to be assessors, who are to appear within twenty-one days.

Assessors to charge all persons liable to the duties, &c., under a penalty not exceeding 20*l.*, nor less than 5*l.*

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X. AND be it further enacted, that every person appointed or to be appointed an assessor as aforesaid shall at the time of his appointment and he is hereby required to take the oath, or, being one of the people called Quakers, to make and subscribe the solemn affirmation before the commissioners for executing this Act then present, in the form set forth in the schedule to this Act annexed marked (B), for his due and faithful administration of his said office; and if he presumes to act as assessor as aforesaid without taking such

Oath to be taken by assessors.

oath or making such affirmation, he shall forfeit for every such offence the sum of fifty pounds sterling.

Assessors to deliver assessments on or before the first Wednesday in August yearly, &c.

XI. AND be it further enacted, that in all cases the assessors so to be appointed as aforesaid shall make and deliver in writing their certificates of assessments for one whole year of all the duties given to them in charge as aforesaid to the respective commissioners on or before the first Wednesday of August in every year, if they shall have appointed a meeting for that purpose within that time, and two or more of them shall attend such meeting; and in default of appointment of such meeting or attendance thereat by two or more commissioners, the clerk to such commissioners shall present the same to the sheriff depute or substitute in the shire or stewartry, and to the chief magistrate of any city or borough where such default shall happen, and also to the conveener of such commissioners in every such shire, stewartry, city, or borough, who respectively or any two of them in their respective jurisdictions, as soon as conveniently can be done, shall set their hands to the said respective assessments, testifying their allowance of the same, and the clerk to such commissioners shall then deliver to such person or persons, as they shall have appointed collector or collectors, a copy of such assessment allowed and duly signed as aforesaid; and the said collector or collectors is and are hereby enjoined and required, within the space of six days after delivery to him or them as aforesaid of the copy of the said assessment for the shire, stewartry, city, or borough for which he or they shall have been nominated collector or collectors, to deliver to some one of the assessors of each parish within such shire, stewartry, city, or borough a copy under his hand of the said assessment for such parish, with an order thereon for such assessors delivering a note of the sum charged to the parties charged therewith, either personally or at the places of their last abode, or on the premisses charged with the assessment, as the case may require; and the assessors to whom such copy and order shall be delivered shall within fourteen days after receipt thereof make notification as aforesaid thereupon, and return the said copy and order to the collector, and from whom he received the same, with a certificate upon oath before one of the commissioners aforesaid, that he did notify the same in the manner prescribed by this Act.

Collectors to give security.

XII. AND be it further enacted, that the respective collectors of the said duties to be appointed for the several shires, stewartries, cities, or boroughs shall, at or soon after the time of their appointment, and before they act in the execution of their duty as such collectors or receive any money on the said duties, enter into bond to his Majesty, with such good and sufficient caution as the barons of the Exchequer in Scotland shall require, binding him or them and his or their sureties conjunctly and severally for his and their due and faithful performance in every respect of all the duties of a collector, and for duly paying to the receiver general for Scotland at Edinburgh, or his deputy or deputies, at such times after the receipt thereof as the said barons shall direct to be inserted in the bond, all such sums of money as shall from time to time be collected by or paid to them for or on account of the said duties, under a penalty of two hundred pounds sterling, over and above performance; in which bond it shall also be a condition that the collector or collectors therein named shall, quarterly, on the fifth day of January, fifth day of April, fifth day of July, and tenth day of October, or oftener if required by the said barons, deliver unto the King's remembrancer, or his deputy in Exchequer, a true and exact statement, certified upon oath before the sheriff depute or steward of the shire or stewartry or his substitute, or before the chief magistrate of the city or borough of which he or they is or are collector or collectors, of the sums arising from the said duties received by him or them for the quarter for which the statement is given in, and of the sum paid to the receiver general, and the precise sum on account

of the said duties in the hands of the said collector or collectors; and which bond the King's remembrancer, or his deputy in the Court of Exchequer in Scotland, is hereby authorized and required to take, the sureties being approved of as aforesaid; and such bond shall not be subject to any stamp duty whatever. [Rep., Stat. Law Rev. Act, 1872.]

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Penalty on assessors and collectors neglecting to act.

XIV. AND be it further enacted, that if any assessor or collector to be appointed as aforesaid shall wilfully neglect or refuse to take upon himself the office of an assessor or collector to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this Act or of any Act or Acts granting duties to be assessed under the regulations of this Act, any two of such commissioners, or the sheriff depute or substitute of the shire or stewartry, or chief magistrate of the city or borough may and shall by virtue of this Act impose on such person or persons so refusing or neglecting, for every such offence, a fine not exceeding twenty pounds nor less than ten pounds sterling.

Commissioners, assessors, and collectors not to be liable to further penalties than those specified.

XV. PROVIDED always, and be it further enacted, that no commissioner, sheriff or depute sheriff, assessor or collector, who shall be employed in the execution of any such Act or Acts herein mentioned or of this Act, shall be liable, for or by reason of such execution, to any penalty or penalties other than as by this Act or the said Act or Acts are or may be inflicted.

Appointment of surveyors or inspectors.

XVI. AND be it further enacted, that . . . . . it shall be lawful to and for his Majesty, his heirs and successors, or the lords commissioners of the Treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being, from time to time to constitute such person or persons as his Majesty, his heirs and successors, or the said commissioners of the Treasury, or the high treasurer for the time being shall think proper, to be officers for the survey and inspection of the duties under the management of the commissioners for the affairs of taxes within that part of Great Britain as aforesaid, for doing and executing all things belonging to the office of inspector or surveyor, according to the powers vested in them by this Act or by any other Act or Acts for granting the said duties to be assessed under the regulations of this Act or any of them.

Surcharges to be made twice in the year.

XVII. AND be it further enacted, that every such surveyor or surveyors, inspector or inspectors shall twice in every year, to wit, between the first day of September and the first day of October following, and between the first day of March and the first day of April following, yearly, and at no other times, lodge a note in writing with the clerk to the said commissioners of all such surcharges as, upon supervising the assessments, or on examination of the returns of the parties, they may lawfully make; and thereupon shall give or cause to be given to every person so surcharged, or leave or cause to be left at his or her last or usual place of abode in the shire, stewartry, city, or borough where such surcharge shall be made, a note in writing bearing the amount for which he or she shall be charged by virtue of such certificate above the amount in the assessment.

Notice thereof to be given to the parties surcharged.

Surcharges omitted for the first half year may be made for the whole year.

XVIII. AND be it further enacted, that if any surveyor or surveyors, inspector or inspectors shall omit to make a surcharge on or before the first day of October in any year, it shall be lawful for the surveyor or surveyors, inspector or inspectors to make such surcharges on or before the first day of April following for the whole year.

Penalty on surveyors for vexatious or corrupt practices.

XIX. AND be it further enacted, that if any surveyor or inspector shall knowingly or wilfully, through favour, underrate or omit to charge any person or persons, or shall be guilty of any corrupt, vexatious, or illegal practices in the execution of his office, such surveyor or inspector shall for every such offence forfeit the sum of one hundred pounds, and on conviction shall be discharged from his said employment.

Persons overcharged may appeal to the commissioners.

XX. AND be it further enacted, that if any person shall think himself, herself, or themselves respectively overcharged or overrated by any assessment or surcharge to be made by virtue or in pursuance of any Act or Acts before mentioned, it shall be lawful for him, her, or them respectively to appeal to the commissioners for putting in execution the said Act or Acts in relation to such assessment and this Act, on delivering to the collector of the duties at his office and to the surveyor of the district or inspector, within fifteen days after the note in writing of his charge being delivered to him or her or left at his or her house or place of abode by the assessor or assessors, by him or herself or some other person acting on his or her behalf, a note in writing of such intention to appeal, containing the wrong or grievance of which such person complains; and the said commissioners shall and they are hereby required to hear and determine all such appeals; except where it shall appear to the said commissioners that the person appealing shall have omitted to notify the same as aforesaid to the proper officer, then and in such case such appeal shall be held to be fallen from, and it shall be lawful for the said commissioners, and they are hereby required to dismiss the same, and to confirm the assessment or surcharge complained of; and every such collector is hereby required to make an entry in a book to be kept by him for that purpose of all such notices given to him from time to time, and to lay them before the said commissioners at their first meeting, or deliver the same to their clerk; and every such collector is also hereby required, upon demand made for that purpose by the assessors or surveyors, to give them inspection and leave to take a copy of all such notices of appeals, that they may attend the meeting of the said commissioners prepared to answer the same, in support of their charge or surcharge.

No assessment to be altered but on a surcharge or on appeal, except in certain cases.

XXI. PROVIDED always, and be it further enacted, that no assessment made in pursuance of this Act by the assessor or assessors, or in their default by the inspectors or surveyors, shall be altered by commissioners or any others before the time of hearing and determining appeals, and then only upon a surcharge or surcharges, or upon the commissioners hearing the matter of appeal particularly relating thereto, upon a general appeal day duly appointed, save and except in such cases only where such commissioners are specially authorized to alter or ratify any such assessment by the Act or Acts before mentioned; and if any clerk to such commissioners or any other person or persons shall alter or cause or procure or suffer to be altered any assessment after the same shall have been delivered as aforesaid, except in the cases expressly allowed as aforesaid, or in cases of appeal, and by order of the said commissioners or any three or more of them made after appeal as aforesaid, every such clerk or other person shall forfeit and pay the sum of fifty pounds sterling.

Party to insist on the appeal at the next meeting for appeals.

XXII. AND be it further enacted, that in case the party giving such notice of appeal or complaint shall neglect to insist therein before the said commissioners at their next general meeting for discussing of appeals to be held half-yearly in manner herein mentioned, then and in that case such complaint or

appeal shall be held to be fallen from, and the charge and assessment therein referred to shall stand in full force.

No abatement to be made on appeal, but on proof of an overcharge.

XXIII. AND be it further enacted, that the said commissioners or any two of them shall not upon hearing any such appeal make an abatement or defalcation in the charge made upon any person by assessment or by the surcharge of any assessor or assessors, surveyor or surveyors, inspector or inspectors as aforesaid, but the charge or surcharge shall stand good and remain part of the annual assessment, unless it shall, upon hearing such appeal, appear to the commissioners then present or the major part of them, by examination of the appellant upon oath or affirmation, or other lawful evidence to be produced by him or her, that such person is overrated in or by such assessment or surcharge, and unless the appellant shall produce before the said commissioners a true, perfect, and complete list, account, declaration, or return as shall or may be required by the Act or Acts before mentioned, and verify the same upon his or her oath or affirmation; and such surveyor, inspector, and assessor may then and there attend to give his or their reasons in support of the said assessment or surcharge, and may, if he or they think proper, produce any lawful evidence in support of the same; and such surveyor, inspector, and assessor shall have full power and free liberty to be present during all the time of hearing such respective appeals and of the said commissioners determining the same: Provided always, if it shall appear upon such appeal from the enquiry made by the said commissioners that the person so assessed or surcharged is or ought to be charged to any amount beyond the amount contained in such assessment or surcharge, it shall be lawful for the said commissioners to charge such person to the matter or thing or amount of the sum omitted, in like manner and at the like rate as they might have done if a full, true, and perfect assessment had been made in the first instance, or if such person had been surcharged to the full amount: Provided also, that no advocate, solicitor, attorney, or procurator, or any person practising the law shall be allowed to plead before the said commissioners on such appeal for the appellant or officers, either viva voce or by writing.

Surveyor, &c. may attend the appeal, &c.

Amounts omitted may be charged on the appeal.

No advocate, &c. to plead on an appeal.

Notice to be given of days of appeal.

XXIV. AND be it further enacted, that the clerk of such commissioners shall and is hereby required to give such collectors and surveyors as aforesaid notice at what time or times within the periods herein limited, and at what place or places the appeals of any person or persons who shall think themselves aggrieved as aforesaid are appointed to be heard and determined; and every such collector is also hereby required within ten days after such notice from the clerk to the said commissioners to cause notification thereof to be given to the assessor or assessors of every parish within the shire, stewartry, city, or borough of the time and place so appointed by such commissioners for hearing and determining appeals as aforesaid, that all persons who shall think themselves aggrieved as aforesaid may apply to such assessors, and from them acquaint themselves when and where to make their appeal to the said commissioners.

Appeals to be heard within limited periods.

XXV. AND be it further enacted, that such appeals as shall be made to such commissioners, and of which notice shall have been given to the assessor, surveyor, or inspector as aforesaid, between the first day of September and the first day of October, yearly, shall be heard and determined by the said commissioners upon such days as shall be by them appointed for the hearing of such appeals, between the twentieth day of October and the twentieth day of November following, and that all such other

appeals as shall be made to the said commissioners, and of which like notice shall have been given between the first day of March and the first day of April following, shall be heard and determined by such commissioners upon such other days as shall be appointed by them for the hearing thereof, between the twentieth day of April and the tenth day of May following, yearly [Rep., Stat. Law Rev. Act, 1872.]; . . . . . .

Appeals to be final.

XXVI. AND be it further enacted, that all such appeals once heard and determined by the said commissioners or the major part of them present on the day or days by them appointed for hearing appeals shall be final; and neither the determination of the commissioners nor the assessment then and there made thereupon shall be altered on any pretence whatever at any subsequent meeting, or at any other time or place, except always in such cases where the opinion of one of the lords of the Court of Session or of the barons of the Court of Exchequer in Scotland shall have been obtained, according to the provisions of any Act or Acts concerning the same, requiring alteration in such assessment. [Rep., Stat. Law Rev. Act, 1872.]

In case commissioners do not meet at the times prescribed, they may meet and execute their powers at other times.

XXVII. PROVIDED always, and be it further enacted, that if at any time there shall not have been any meeting or meetings of the said commissioners, and a due execution of any of the powers hereby created, within or at the time or times or according to the manner or circumstances directed or prescribed in and by this Act, it shall be lawful for any of the persons appointed commissioners, and they are hereby required, in all and every the said shires, stewartries, cities, and boroughs respectively wherein such default shall have happened, to meet and execute the said powers at any other time or times, anything herein contained to the contrary notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings should have been held and such powers should have been executed according to the directions of this Act, to meet and execute the same, or cause the same to be executed, so that all the duties by law payable on assessment be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and successors; and all such meetings and acts of the said commissioners shall be deemed and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect.

If assessors are not appointed, or neglect their duty, the surveyors may charge the duties, after lodging a complaint against the assessors.

XXVIII. AND be it further enacted, that if such commissioners shall neglect to appoint assessors as directed by this Act, or in case the assessors by them appointed shall neglect to bring in the certificates required by them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed as herein mentioned, first lodging a complaint thereof before the sheriff or sheriff depute or substitute for the shire or stewartry or before the chief magistrate of the city or borough where the default shall happen, to assess and charge the respective parishes wherein such default shall have happened, and to make certificates in writing under their respective hands of the several duties charged by this Act or by any other Act or Acts herein mentioned, in like form and manner as assessors are required to make their certificates of assessment, and to return such certificates to the conveener of such shire or stewartry for his allowance; and the same being allowed under his hand shall be delivered to the clerk of the commissioners by whom the certificate (if made by assessors) ought to have been allowed, who shall cause a copy thereof to be delivered to the collectors appointed within such respective shires, stewartries, cities, and boroughs respectively; and the collectors to whom

the same shall be delivered shall have the same power to collect, receive, and recover the said duties as such collectors would have had in case the said assessments had been allowed by the said commissioners as aforesaid: Provided, that every such collector as aforesaid shall leave a note in writing to every person charged in such certificate of the charge made upon him or her by the surveyor, in like manner as is before directed in cases of assessments made by assessors.

Penalty on assessors against whom such complaints shall be lodged.

XXIX. AND be it further enacted, that it shall be lawful for the sheriff or sheriff depute or substitute or chief magistrate aforesaid, with whom such complaint shall be lodged as aforesaid against any assessor or assessors for neglect as aforesaid, to proceed to hear and determine the same, and to levy the penalty hereby inflicted for any such neglect, in like manner and under the like powers as are hereby given to commissioners; in all which cases the penalty so levied shall be to the use of the surveyor who shall have executed the duty of such assessor or assessors.

Duties unpaid may be levied by poinding.

XXX. AND be it further enacted, that in case any person or persons shall not pay the several sum or sums charged upon him, her, or them by any Act or Acts herein mentioned, according to the directions contained in such Act or Acts or in this Act, it shall be lawful to and for any two of the commissioners aforesaid for any shire, stewartry, city, or borough, or for the sheriff depute or substitute for such shire or stewartry, and the conveener of the county, and they are hereby required respectively (under the penalty of ten pounds sterling), upon certificate made to them or either of them by the collector or collectors that such duties are resting and not duly paid, to issue and grant a warrant or warrants under their hands for the said collectors recovering the said duties and the triple value thereof in consequence of nonpayment, by poinding and distraining the goods and effects of any person or persons mentioned in such certificate, and who shall not have paid the sums thereby assessed upon him, her, or them; which warrants shall be executed by the constables or sheriff-officers of the county, and the goods and effects so poinded or distrained shall be valued and appraised by any two persons to be appointed by the sheriff-officer or constable, which two persons shall be obliged to value the same under the penalty of forty shillings sterling for each neglect or refusal, and which valuation shall be made upon the ground or at the house where the same were poinded and distrained, and shall be sold and disposed of at the value by the officer or constable who does poind the same, and the value to be applied in the first place to the satisfaction and payment of the duties and triple values owing by the person whose goods are so poinded, and in the second place to the payment for the trouble of the officer or constable so poinding, at the rate of two shillings per pound of the duties and triple values for which the goods shall be so poinded and distrained, unless the owner from whom the same were poinded or distrained shall redeem the same by payment of the appraised value within the space of four days after the poinding and valuation to the officer who poinded the same; and in case any surplus shall remain of the price or value after payment of the said duties and triple values, and after payment of what is allowed to be retained by the officer or constable in manner herein directed, such surplus shall be returned to the owner from whom the goods were poinded or distrained; and in case no purchaser do appear at the said sale, that the said goods and effects so

poinded and distrained shall be consigned and lodged in the hands of the sheriff depute of the county, or his substitute; and if not redeemed by the owner within the space of four days after the consignment in the hands of the said sheriff depute or substitute, that the residue shall be rouped, sold, and disposed of by order of the sheriff, in such manner and at such time and place as he shall appoint, he always being liable to the payment of the duties and triple values to the said collector, and in payment to the officer or constable who shall have poinded and distrained the same, for their trouble and expence as before stated, in case the value of the goods so sold shall amount to the extent of the said duty and triple values and to the fees due to the officer or constable, and shall be in the third place entitled to one shilling per pound of the value of the goods so disposed of, for his own pains and trouble, after preference and allowance of the said duties and triple values and of what is appointed to be paid to the officer or constable for their trouble; and that there likewise shall be allowed to the officer or constable so poinding and distraining the expence of preserving the said goods and effects, and of maintaining the cattle, if there should happen to be any among the goods and effects so poinded and distrained, during the four days allowed to the owner to redeem them, and also the expence of the sale; and in like manner the the expence shall be allowed to the sheriff for preserving and maintaining the goods or cattle poinded and distrained during the four days that the owner is allowed to redeem after consignment in his hands, and also the expence of the sale; and where no goods or effects sufficient for payment of the said duties and triple values can be found to be so poinded and distrained, and the person liable shall neglect or refuse to pay the same, in every such case any one of the commissioners aforesaid, or the sheriff depute or substitute, or conveener of the county shall be and is hereby authorised and required under his hand to commit such person to the common gaol, there to be kept without bail until payment shall be made.

XXXI. AND whereas it may frequently happen, that persons quitting their dwelling houses or places of residence may remove to other parishes or places without first discharging or paying the duties charged upon him, her, or them, whereby the said duties made payable by this Act will be lost, unless such person or persons so removing can after such removal be compelled to pay the same: Be it further enacted, that in every case of such removal to any place in Scotland, the surveyor or inspector or collector, acting by virtue of this Act, of the shire, stewartry, city or borough, where such duties are charged upon and unpaid by the person or persons removing as aforesaid, shall sign and cause to be transmitted a certificate thereof to the surveyor or inspector or collector acting for the shire, stewartry, city, or borough where the person or persons making such default of payment shall happen to reside; and any surveyor or inspector or collector to whom such certificate is delivered shall and he is hereby empowered by virtue of such certificate to raise and levy the said duties charged upon the party or parties removed as aforesaid in such manner and by the like means and methods as any of the like duties are directed to be levied or recovered by this Act, and cause the monies so raised and levied to be paid to the collector of the shire, stewartry, city, or borough from whence the said person or persons did remove, so as the same may be paid and applied according to the true intent and meaning of this Act.

Duties how recoverable when the persons charged remove from one place to another in Scotland.

XXXII. AND be it further enacted, that if any person charged with the said duties in Scotland shall remove from thence into any other part of Great Britain, it shall be lawful for the commissioners acting as aforesaid in the shire, stewartry, city, or borough where such duties are charged and unpaid by the person removing as aforesaid, to sign and cause to be transmitted, by the intervention of the commissioners for the affairs of taxes, such certificate as aforesaid to the commissioners acting in the execution of the land tax in England, Wales, and Berwick-upon-Tweed, in the county, riding, city, borough, cinque port, or place where the person making such default or payment shall happen to reside; which commissioners of land tax or any two or more of them shall and they are hereby empowered by their warrant under hand and seal to raise and levy the said duties charged or appearing by such certificate, and cause the monies so raised and levied to be paid to the receiver general for Scotland in discharge of such assessment, of which intimation shall be given by such receiver general to the collector of the shire, stewartry, city, or borough in which such person was so charged, and credit shall be given for the same in the books of the said collector or collectors.

Duties how recoverable when persons charged in Scotland remove to any other part of Great Britain.

XXXIII. AND be it further enacted, that no moveable goods or effects whatever belonging to any person or persons at the time of any of the said duties assessed under the regulations of this Act became in arrear shall be liable to be taken by virtue of any arrestment, poinding, sequestration, or diligence whatever, or by virtue of any assignation on any account or pretence whatever, unless the party at whose instance the said diligence shall be used or to whom such assignation shall be made shall, before the sale or removal of such goods or effects, pay or cause to be paid to the collector or collectors of the said duties so due, all arrears of the said duties which shall be due at the time of arresting, poinding, or seizing such goods or effects, or which shall be payable for the year in which such diligence shall be used, provided the duties shall not be claimed for more than one year; and in case the said duties shall be claimed for more than one year, then the party at whose instance such diligence shall have been used, or to whom such assignation shall have been made, paying the aforesaid collector or collectors the aforesaid duties due for one whole year, may proceed as he might have done if no duties had been so claimed; but in case of refusal to pay the said duties the said collector or collectors are hereby authorized and required to poind and distrain such goods and effects notwithstanding, and upon intimation thereof to one or more of the said commissioners acting for such shire, stewartry, city, or borough, or to the sheriff depute or substitute or conveener of the shire or stewartry, and obtaining his or their warrant for that purpose, which he and they is and are hereby empowered to grant, to proceed to the sale of such goods or effects according to this Act, in order to obtain payment of the whole of the said duties, together with the reasonable costs and charges attending such poinding, distress, and sale; and every such commissioner, sheriff depute or substitute, and conveener and collector so doing shall be indemnified by virtue of this Act.

When duties are in arrear, no goods shall be taken by virtue of any arrestment, &c. except on payment of the arrears, not exceeding one year.

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XXXVII. AND be it further enacted, that in every case where the collector or collectors appointed as aforesaid shall fail or neglect to pay over to the

Bonds to be put in suit on failure of col-

lectors to pay over the sums received.

receiver general at Edinburgh, or his deputy or deputies, any such sum or sums of money within such number of days after the same shall have been received by him or them as shall be specified in the bonds entered into by such collector or collectors, the said bonds shall, upon a certificate by the receiver general or his deputy or deputies of the sums due or unaccounted for, be put in suit against such collector or collectors, and his or their surety or sureties, or any of them, for the recovery of the sums so due by them, or any of them, and of the penalty or penalties in the said bonds over and above the sums so due, by such process for recovering payment of debts due to his Majesty as is conformable to the course and practice of the Court of Exchequer in Scotland.

No allowance to be made to collectors for deficiencies except on proof of due diligence to the satisfaction of the Court of Exchequer.

XXXVIII. AND be it further enacted, that in settling the accounts of the said collectors, no allowance shall be made for deficiencies occasioned by bankruptcy, insolvency, or removal of persons liable in payment of the said duties, unless it shall be proved to the satisfaction of the Court of Exchequer in Scotland that the said collectors claiming the allowance have used their utmost diligence to recover the said duties on or before the respective days appointed for making such payments, and that they could not collect the same by reason of such bankruptcy, insolvency, or removal: Provided always, that upon such evidence being produced the Court of Exchequer shall be at liberty to order credit to be given to the collector or collectors in his or their accounts for the sums of money due by any person on account of the said duties or any part thereof, which could not be recovered by such collector or collectors for the causes aforesaid.

Collectors claiming any deduction for deficiencies shall lodge a schedule and make oath as to certain particulars.

XXXIX. AND be it further enacted, that every collector or collectors, who shall claim any deduction on account of any such deficiency as aforesaid, by reason of their not having been able to recover payment thereof, before they shall obtain any order from the said barons of Exchequer for the receiver general, his deputy or deputies giving credit to them for all or any of the deficiencies claimed, shall have first lodged with the receiver general, his deputy or deputies, a list or schedule containing the names, surnames, and places of abode of every person for whose deficiency he may claim to be allowed by the barons to have credit in his account, and the particular sum charged upon each person named in the schedule, and shall have made oath, or, being one of the people called Quakers, shall have made and subscribed a solemn affirmation before any one of the said barons, or the sheriff depute or substitute of the shire or stewartry of which he is collector, that the sum for which he so claims to have credit is due and wholly unpaid, and that neither he nor any person for him to the best of his knowledge and belief has received any part thereof, and that such person became insolvent or bankrupt before the day on which the duties became payable, and had not goods and effects sufficient whereon to raise and levy such duties within the shire, stewartry, city, or borough for which such collector shall have been appointed before the day on which such duties became payable, or that such person removed from such shire, stewartry, city, or borough before the day on which such duties became payable, without leaving therein sufficien goods and effects whereon such duties could be raised and levied, and that there was not nor are any goods or effects of any person or persons liable to the payment of such duties in arrear or any part thereof, whereby the same could or might be raised and levied; which oath or affirmation shall be subscribed by the said

collector, and the list or schedule shall be returned, by the receiver general, or his deputy or deputies, into the Court of Exchequer, in order that every person in the schedule may be charged by the ordinary diligence of the said Court of Exchequer, used in like cases, and recovered as far as possible, and paid to the receiver general, and by him to be paid into the receipt of Exchequer at Westminster; and if any such collector shall neglect or refuse to make such return, he shall forfeit the sum of one hundred pounds sterling, and the sums in such assessment remaining unpaid, for which the said collector or collectors shall not have had allowance as aforesaid, shall be re-assessed on the shire stewartry, city, or borough, according to the directions of any Act or Acts before mentioned.

Settlement of accounts of deceased collectors.

XL. AND be it further enacted, that in the event of the death of any collector it shall be lawful for the heirs, executors, administrators, or representatives of such collector to settle the accounts of such deceased collector before the barons of the said Court of Exchequer, and if in settling the said accounts such heirs, executors, administrators, or representatives shall claim deduction for the duties of any person or persons, or part thereof, by reason of the deceased collector or any after collectors employed by them not having been able to recover payment of the said duties or part thereof from any person or persons, on account of their bankruptcy or insolvency, or other causes, they shall only be allowed such deductions as the Court of Exchequer, upon hearing the facts and evidence produced, shall think reasonable, having in view the principles and rules herein prescribed with regard to deductions claimed by collectors in settling their accounts, as far as that can be done in justice in settling the accounts of a deceased collector.

Duplicates of assessments to be made out within a limited time.

XLI. AND be it further enacted, that the respective commissioners aforesaid shall cause two duplicates of every assessment to be made out on parchment by their clerk, within one month at the farthest after the tenth day of April after making the said assessment, yearly, and one of them to be delivered to the receiver general, and the other of them transmitted into the office of King's remembrancer in the Exchequer in Scotland, for which duplicate the proper officer shall give acquittances gratis, so as they may be duly charged to answer their respective collections and receipts; and every such duplicate shall contain the name and surnames of the several assessors and collectors for every shire, stewartry, city, or borough, and for every parish within the same; and if any clerk to such commissioners shall neglect or refuse to make out and deliver such duplicates as aforesaid within the time and in manner hereinbefore directed, or shall make any false entry, or omit any sum or sums in such duplicates, every such clerk shall forfeit and pay the sum of one hundred pounds sterling, and on conviction thereof shall be discharged from his said office.

Duties to be paid to the receiver general or his deputies.

XLII. AND be it further enacted, that all monies of the duties herein mentioned, to be assessed under the regulations of this Act, shall, at such times as shall be appointed for the payment thereof, be paid by the particular collectors who shall collect the same unto the receiver general now or for the time being appointed by his Majesty, his heirs or successors, or by the high treasurer for the time being, or the commissioners of the Treasury for the time being or any three or more of them, to receive the same, or unto the deputy or deputies of such receiver general, to be appointed under his hand and seal, and whom

he is hereby authorized to appoint, and for whom he shall be answerable, whereof notice shall be given by the receiver general unto the commissioners within their respective shires or stewartries within twenty days after the first meeting, yearly, and so from time to time within twenty days after the death or removal of such deputy, whenever any such shall happen; and the said receiver general, his deputy or deputies shall give receipts gratis to the said collectors for all monies by them received in pursuance of such Act or Acts; and the receipt of the receiver general, his deputy or deputies, or any of them, shall be a sufficient discharge unto every such collector.

Penalty on collectors gathering the duties by a false rate, &c.

XLIII. AND be it further enacted, that no collector or collectors of any of the duties herein mentioned shall collect or receive the same by any rate or book other than such rate and book as shall be signed and allowed as aforesaid; and that in case any such collector or collectors shall collect or receive the same by any other rate or book, or shall receive such duties from any person or persons not charged therewith, or shall collect or receive from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book after the same hath been signed and allowed as aforesaid, every such collector or collectors shall for every such offence forfeit the sum of one hundred pounds.

Collectors failing to make payment of duties may be sued by process in the Court of Exchequer.

XLIV. AND be it further enacted, that if any collector or collectors to be appointed as aforesaid shall fail or neglect to pay over the several duties collected by him or them to the receiver general at Edinburgh, or his deputy or deputies, within the time specified in the bond of caution entered into by the said collector as aforesaid, then and in such case the said receiver general and his deputy or deputies may present the said bond, or an extract thereof, to one or more of the barons of the Court of Exchequer in Scotland, with a petition stating the sum due and not accounted for by such collector or collectors, and praying for a horning or other competent and legal process of court upon such bond, and making oath that the sum stated in the petition is due and not accounted for; and the baron or barons to whom such petition shall be presented may thereupon order a horning or other competent and legal process of court to issue, and which process of court may be proceeded in by arrestment, poinding, denunciation, caption, imprisonment, or otherwise, for recovering from such collector or collectors, and his or their surety or sureties, the sums due by them, and for the penalty in such bond over and above the sums so due as aforesaid; on the receiver general, or his deputy or deputies, upon making oath to the sums due and unaccounted for, shall be at liberty to proceed to the recovering the payment thereof, and the penalty in the bond, by any process for recovering payment of debts due to his Majesty according to the course of Exchequer in Scotland.

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Receiver general to pay the monies received by him into the Exchequer at Westminster within the times limited;

XLVI. AND be it further enacted, that the receiver general, his deputy or deputies shall within the respective terms appointed for payment of the same remit and pay the monies received by him or them on account of the said duties into the receipt of his Majesty's Exchequer at Westminster, excepting such sum as shall be judged necessary by the barons of the Court of Exchequer in Scotland and as the lords commissioners of the Treasury or the lord high treasurer for the time being shall allow to be retained by such receiver

general for answering demands for the publick service; and the said receiver general or his deputy or deputies shall and they are hereby required and directed to lodge in the King's remembrancer's office in the Court of Exchequer in Scotland for the information of the barons there, as soon after remitting the money to be paid into the receipt of Exchequer within the time before mentioned as conveniently can be done, an account or statement, attested on oath, of the money by him or them received, remitted, or retained for the publick service, as it stood upon the last day of the forty days within which the said receiver general, his deputy or deputies are hereby directed to remit the money to be paid into the receipt of Exchequer at Westminster aforesaid; and the said receiver general, his deputy or deputies shall and they are hereby required to answer all questions that may be put by the barons, or any one of them, concerning the particulars of the said account.

and afterwards, whenever the same shall amount to the clear sum of 5,000*l.*

XLVII. AND be it further enacted, that after the said receiver general, his deputy or deputies shall have remitted to the receipt of Exchequer at Westminster the monies received by him within the respective times before limited, he or his deputy or deputies shall continue to remit and pay into the receipt of Exchequer the monies they may receive afterwards, whenever the same shall amount to the sum of five thousand pounds over and above the sum the said receiver general shall be allowed to retain to answer demands for the publick service as before provided, and shall continue to do so until all duties assessed for the year, except as aforesaid, are received and paid into the receipt of Exchequer.

Receiver general to make up statement of accounts and balances when required by the barons of the Exchequer.

XLVIII. AND be it further enacted, that the said receiver general, his deputy or deputies, when required by the said barons of Exchequer, shall, for their information, prepare and lodge in the King's remembrancer's office in Scotland an account or statement of the monies received on account of the said duties since the last account or accounts thereof were settled and passed, shewing the balances due by the different shires, stewartries, cities, or boroughs at the time when the account or statement is made up; and he and they is and are hereby required also to answer any of the questions put by any of the barons for explaining the said accounts, and to execute such directions as they may receive from the barons for reducing the values which may appear to be due by the different shires, stewartries, cities, or boroughs.

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Constables, &c. to be aiding in the execution of this Act, &c.

L. PROVIDED always, and be it further enacted, that all constables and other his Majesty's officers shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this Act and of every Act or Acts before mentioned, and to obey and execute such precepts and warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed.

Penalty on persons obstructing officers.

LI. AND be it further enacted, that if any person or persons shall at any time hereafter wilfully obstruct any commissioner or commissioners, assessor or assessors, collector or collectors, surveyor or surveyors, inspector or inspectors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall for every such offence forfeit the sum of fifty pounds sterling.

Officers to obey instructions of the lords of the Treasury.

LII. AND be it further enacted, that the said surveyors and inspectors, and all other officers and persons who shall be employed in the execution of this

Act or any Act or Acts granting duties to be assessed under the regulations of this Act, shall observe and follow such orders, instructions, and directions, as they shall from time to time receive from the said commissioners of the Treasury, or any three or more of them now or for the time being, or the high treasurer for the time being.

Application and recovery of penalties.

LIII. AND be it further enacted, that one moiety of all pecuniary penalties or forfeitures imposed by this Act or any Act or Acts for granting duties to be assessed under the regulations of this Act, except where other directions are or shall be given, may, if sued for in the space of twelve calendar months from the time of such penalties being incurred, in manner herein next mentioned, be to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid; and such penalties may be sued for in his Majesty's Court of Exchequer in Scotland, by any action competent in that court [Rep., Stat. Law Rev. Act, 1872.]; . . . . . .

Recovery of penalties in the name of the lord advocate, except where otherwise directed.

LIV. PROVIDED always, and be it further enacted, that every such penalty or forfeiture, except as otherwise directed, shall be recoverable in the name of his Majesty's advocate for Scotland, on the part of his Majesty, by information or any action competent in the said Court of Exchequer; . . . . .

Recovery of penalties not exceeding 20*l.*, except where otherwise directed.

LV. PROVIDED always, and be it further enacted, that all such pecuniary penalties not exceeding twenty pounds imposed by this Act or any Act or Acts for granting duties to be assessed under the regulations of this Act, except where other directions are given respecting the same as aforesaid, may be recoverable before the commissioners for executing this Act, or the sheriff depute, or substitute, or any two or more of them, in the shire, stewartry, city, or borough where the offence shall be committed; and such commissioners and others before mentioned shall take cognizance of such offence upon information or complaint in writing made to them, and upon a summons to the party accused to appear before them at such time and place as they shall fix, or without such summons, in case the party or parties shall have been surcharged before the said commissioners and shall have appealed against the same and shall appear upon such appeal before the said commissioners; and such commissioners and others before mentioned before whom the complaint shall be lodged shall examine into the matter of fact, and proceed to hear and determine the same in a summary way, and on proof made thereof, either by voluntary confession of the party accused, or by oath or solemn affirmation of one or more credible witness or witnesses, or otherwise as the case may require, make or decree an adjudication for the penalty or for such part thereof, to which part thereof the said commissioners, sheriff depute, or substitute shall think proper to mitigate the same, not being in any case less than one moiety of such penalties, and to assess the same upon the party, and charge the same in the assessment to which the penalty adjudged shall particularly relate, and in addition to the duty, in case the party shall be charged therewith; and which penalties so adjudged shall be levied in like manner as the said duties may be levied in manner before directed; . . . . . and the said decree and adjudication of the commissioners, sheriff depute, or substitute shall be final and conclusive to all intents and purposes, without power of appealing from the same; and the said decree shall not be subject to reduction, nor removeable by advocation, suspension, or any process whatever in any court of law or equity, or be subject to revision or appeal, except

in such cases where a surcharge shall be made, and a case shall be demanded and stated for the opinion of one of the lords of the Court of Session, or of one of the barons of the Court of Exchequer in Scotland, conformably to the directions contained in any Act or Acts granting the duties to which such surcharge shall relate. [Rep., Stat. Law Rev. Act, 1872.]

Persons giving false evidence, &c. before commissioners, &c. and convicted thereof shall be liable to the punishments for perjury.

LVI. AND be it further enacted, that all and every person or persons who shall wilfully give false evidence, or make any false oath or affirmation or affidavit, before the commissioners for executing of this or others by this Act empowered to administer the same, or any of them, touching any matter or thing within the intent and meaning of this Act, or any Act or Acts for granting duties to be assessed under the regulations of this Act, shall be prosecuted for the same; and such person or persons being convicted thereof shall be subject and liable to the same punishment and disqualifications as persons are subject and liable to for wilful and corrupt perjury.

Books and papers relating to the duties shall be deemed the property of the commissioners in the several shires, &c. for the time being, and in succession.

LVII. AND whereas many difficulties and inconveniencies have arisen to the commissioners for the time being acting in the execution of the several Acts relating to the duties herein mentioned to be levied by them as aforesaid, and many like difficulties may arise to the commissioners for the time being acting in the execution of this Act or the other Act or Acts for granting duties to be assessed under the regulations of this Act, in levying the duties by the said Acts made payable, upon the death or removal of their respective clerks into whose custody the duplicates of the several books of assessment, minute books and other books and papers relating to the business of the said several duties in their respective jurisdictions have been delivered, such clerks so removed or the executors or administrators or legal representative of such clerk so dying frequently refusing to deliver over such duplicates, books, and papers to the said commissioners for the time being or to their order or appointment, under a pretence that the said commissioners have no property in the same and are without remedy for the recovery thereof: Be it therefore enacted, that all and every the duplicates of the several books of assessments which have been or shall be made and delivered by the respective assessors of the said several duties to the commissioners in any shire, stewartry, city, or borough, or to their respective clerks for the time being, and which are or shall be in the custody, keeping, or possession of such clerks respectively, and all minute books and other books and papers relating to the said several duties, in the custody, keeping, or possession of any such clerk or clerks who hath or have been or shall be removed from such office or offices, in the custody, keeping, or possession of the executors, administrators, or other legal representatives of any person or persons who hath or have died or shall die during his or their holding such office or offices or after his or their removal from the same, or in the custody, keeping, or possession of his or their agent or attorney or of any other person or persons, shall be deemed and are hereby declared to be the property of the commissioners of the said several duties acting in the respective shires, stewartries, cities, or boroughs for the time being, and in succession, as records belonging to them the said commissioners for their use and inspection, and shall be placed and deposited with and remain in the custody, keeping, and possession of them the said commissioners, or their respective clerks for the time being, or such other person as the said commissioners or any two or more of them for the time being shall from time to time at their meetings order, direct, or appoint.

Penalty on persons not delivering up books and papers on notice.

LVIII. AND be it further enacted, that all and every person or persons whatever, now or at any time hereafter having in his or their custody, keeping or possession any such books or papers aforesaid relating to the said several duties in this Act mentioned, shall, within the space of one calendar month next after notice in writing, signed by the comptroller or surveyor general of taxes in Scotland or one of them, (a true copy thereof being given or left at the usual place of abode of such person or persons) deliver and give up all such books and papers unto such person or persons as the comptroller or surveyor general or one of them shall by such notice order and appoint, whose receipt of the same shall be a good and sufficient discharge to such person or persons so delivering such books and papers; and if any such person or persons now or at any time hereafter having in his or their custody, keeping, or possession any such books or papers shall refuse or neglect to deliver the same within the time limited by such notice and demand made, he or they shall for every such offence forfeit and pay the sum of fifty pounds; and all such books or papers shall be delivered by the person or persons so appointed to such of the commissioners for executing this Act as the said comptroller or surveyor general or any one of them shall think proper, for the effectual and speedy execution of the powers by this Act granted.

Limitation of actions, &c.

LIX. AND be it further enacted, that if any action shall be brought against any person or persons for anything done in pursuance of this Act, such action or suit shall be brought in the Court of Exchequer in Scotland, and not elsewhere, and shall be commenced within six months next after the fact committed and not afterwards, and shall be laid in the county, stewartry, city, or place where the cause of complaint did arise, and not elsewhere, and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence; and if the defendant or defendants shall be assoilzied in any such action or suit, or if the plaintiff or plaintiffs shall discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, or if judgement shall be given against the plaintiff or plaintiffs the defendant or defendants shall have treble costs and have the like remedy for the same as any defendant hath in other cases to recover costs by the laws of Scotland. [Rep. 5 & 6 Vict. c. 97. s. 2.]

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SCHEDULE (B.)

The FORM of the OATH or AFFIRMATION required to be taken by Assessors before they act in the Execution of this Act.

I A.B. do swear [or affirm, as the case may require] that I will diligently execute the office of an assessor, to which I am appointed by authority of an Act passed in the forty-third year of the reign of his present Majesty, intituled An Act [here insert the title of this Act] and that in the assessment which I am required to make by any other Act or Acts granting to his Majesty any duties to be assessed under the regulations of the said Act I will act faithfully and honestly, and without favour or affection, according to the best of my skill and knowledge.

So help me GOD.

CHAPTER CLXI.

AN ACT for repealing the several Duties under the Management of the Commissioners for the Affairs of Taxes, and granting new Duties in lieu thereof; for granting new Duties in certain Cases therein mentioned; for repealing the Duties of Excise on Licences, and on Carriages constructed by Coachmakers, and granting new Duties thereon, under the Management of the said Commissioners for the Affairs of Taxes, and also new Duties on Persons selling Carriages by Auction or on Commission.[a]

[12th August 1803.]

WHEREAS the several Acts in relation to the duties on houses, windows, and lights, and to the duties on inhabited houses, which were consolidated with the duties granted by an Act passed in the last session of Parliament, intituled "An Act for granting to his Majesty certain additional duties on windows or lights and on inhabited houses, and for consolidating the same with the present duties thereon," and also the several Acts in relation to the duties on male servants, carriages, horses, mules, and dogs, which were consolidated with the duties granted by another Act passed in the last session of Parliament, intituled "An Act for granting to his Majesty certain additional duties on servants, carriages, horses, mules, and dogs, and for consolidating the same with the present duties thereon," and also certain Acts passed in the thirty-sixth and forty-first years of the reign of his present Majesty, respectively intituled, the one thereof "An Act for repealing the duties on licences to persons using or exercising the business of an horse dealer, and granting new duties in lieu thereof," and the other thereof "An Act for transferring the receipt and management of the duties on licences for using or exercising the trade and business of an horse dealer from the commissioners of stamps to the commissioners for the affairs of taxes, and also for making further provisions in respect to the said duties so transferred," and also an Act passed in the forty-first year of the reign of his present Majesty, intituled "An Act for transferring the receipt and management of certain duties on certificates for wearing hair powder, or using armorial bearings, from the commissioners of stamps to the commissioners for the affairs of taxes, and also for making further provisions in respect of the said duties so transferred," might be more effectually carried into execution if the provisions for ascertaining, charging, and assessing the same were comprised in one Act, and varied and amended in some respects: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of April one thousand eight hundred and four throughout that part of Great Britain called England, Wales, and Berwick-upon-Tweed, and from and after the twenty-fourth day of May one thousand eight hundred and four throughout Scotland, in lieu and instead of the duties granted by or contained in the several schedules annexed to the said recited Acts and herein-after repealed, there shall be assessed, raised, levied, collected, and paid unto and for the use of his Majesty, his heirs and successors, upon houses, windows, and lights, as set forth in the schedule to this Act annexed marked (A.), and upon inhabited houses, as set forth in the schedule to this Act annexed marked (B.), and upon all male servants retained or employed by any person or persons in any of the several capacities mentioned in the schedule to this Act annexed marked (C.), and upon all carriages of any of the descriptions mentioned in the schedules to this Act annexed marked (D.), and upon all horses, mares, and geldings kept and used by any person or persons for any of the purposes mentioned in the schedule to this Act annexed marked (E.), and upon all other horses, mares, or geldings not charged with any duty by the before-mentioned

42 Geo. 3. c. 34.

42 Geo. 3. c. 37.

36 Geo. 3. c. 17.

41 Geo. 3. c. 71.

41 Geo. 3. c. 69.

Duties to be levied from the 5th April 1804 in England, and from the 24th May 1804 in Scotland, according to the schedules annexed to this Act, in lieu of the former duties.

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[a] All provisions, clauses, matters, and things in this Act which are repugnant to the provisions in 50 Geo. 3. c. 105. s. 1., and for which other provisions are made in that Act, except such provisions, clauses, matters, and things herein as relate to surcharges in the double duty, determined, 50 Geo. 3. c. 105. s. 2. So much of this Act as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive, rep., as to the metropolis, 32 & 33 Vict. c. 67. s. 77.

schedule (E.), and upon mules as described in the schedule to this Act annexed marked (F.), and upon all dogs of any of the descriptions mentioned in the schedule to this Act annexed marked (G.), and upon all horse dealers residing within the respective limits described in the schedule to this Act annexed marked (H.), and upon all persons in respect of hair powder or any armorial bearings or ensigns, as respectively set forth in the schedules to this Act annexed marked (I.) and (K.), the several duties respectively inserted, described, and set forth in the said several schedules marked (A.), (B.), (C.), (D.), (E.), (F.), (G.), (H.), (I.), and (K.) hereunto annexed; which several schedules, and the rules and exemptions therein contained, shall be deemed and construed a part of this Act, as if the same were incorporated therewith under a special enactment. [Rep., Stat. Law Rev. Act, 1872.]

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The duties granted by this Act shall be levied under the regulations of the Acts of the present session as to England and Scotland respectively. 43 Geo. 3. c. 99. 43 Geo. 3. c. 150.

V. AND be it further enacted, that all the several duties hereby granted in England, Wales, and Berwick-upon-Tweed shall be assessed, raised, levied, and collected under the regulations of an Act passed in the present session of Parliament, intituled "An Act "for consolidating certain of the provisions contained in any Act or Acts relating to the "duties under the management of the commissioners for the affairs of taxes, and for "amending the same"; and all the several duties hereby granted in Scotland shall be assessed, raised, levied, and collected under the regulations of any Act passed or to be passed in the present session of Parliament for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the said Acts so far as the same relate to Scotland; and all and every the powers, authorities, methods, rules, directions, penalties, forfeitures, clauses, matters, and things contained in the said Acts shall be severally and respectively duly observed, practised, and put in execution throughout the respective parts of Great Britain aforesaid, as fully and effectually, to all intents and purposes, as if the same powers, authorities, methods, rules, directions, penalties, forfeitures, clauses, matters, and things were particularly repeated and re-enacted in the body of this Act; and all and every the regulations of the said Acts shall be respectively applied, construed, deemed, and taken to refer to this Act, as if the same had been specially enacted therein. [Rep., Stat. Law Rev. Act, 1872.]

Commissioners of the land tax who shall be qualified and have taken the oaths directed by the said Acts shall be commissioners for executing this Act; and the monies when levied shall be under the management of the commissioners for the affairs of taxes.

VI. AND be it further enacted, that for the better execution of this Act, and for the ordering, raising, collecting, levying, and paying of the several sums of money hereby made payable, all and every the persons who now are or for the time being shall be commissioners for putting in execution an Act passed in the thirty-eighth year of the reign of his present Majesty, intituled "An Act for the granting an aid to his Majesty by "a land tax to be raised in Great Britain for the service of the year one thousand seven "hundred and ninety-eight," and who shall be respectively qualified or authorized to act, and shall have taken the oaths as directed by the said respective Acts passed in the present session of Parliament, shall respectively be commissioners for putting in execution this Act and the powers therein contained, in all and every the respective counties, ridings, cities, boroughs, cinque ports, towns, and places privileged or not privileged within England, Wales, and Berwick-upon-Tweed, and in all and every the shires, stewartries, cities, and boroughs in Scotland; and the several sums of money so levied shall be under the care and management of the commissioners for the affairs of taxes for the time being appointed or to be appointed by his Majesty, his heirs and successors. [Rep., Stat. Law Rev. Act, 1872.]

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Assessors and collectors under Acts of the present session to be assessors and collectors of the duties hereby granted.

Commissioners and other officers to execute the powers of the said Acts with respect to the duties hereby granted.

VIII. AND be it further enacted, that the assessors and collectors appointed by the said commissioners for any parish, ward, or place, in pursuance of the said recited Acts respectively passed in the present session of Parliament, shall be the assessors and collectors of the several duties granted by this Act; and the said commissioners shall cause notice to be given to such persons that they respectively are appointed assessors and collectors of the said duties hereby granted; and the several commissioners, inspectors, surveyors, assessors, and collectors are hereby empowered to do and execute all matters and things in relation to the duties by this Act granted, which they respectively are empowered to do and execute in relation to the duties mentioned in the said recited Acts respectively, and shall severally be subject and liable to the like penalties for any neglect or omission in the performance of their duty, or any fraud or abuse in executing the same, as are inflicted on such officers by the said recited Acts respectively for the like offences. [Rep., Stat. Law Rev. Act, 1872.]

IX. AND be it further enacted, that the several persons who, as inspectors or surveyors, are or may be authorized to act in execution of the said recited Acts respectively passed in the present session of Parliament, shall respectively have the survey and inspection of the duties by this Act made payable within the respective parts of Great Britain as aforesaid, and shall take accounts of the several dwelling houses therein, and of the servants, carriages, horses, mules, and dogs kept by any person or persons whatever, and of the several persons liable to the other duties in this Act mentioned, and of the duties chargeable in respect thereof, and shall inspect and examine the assessments or certificates thereof made and to be made from time to time in pursuance of this Act, and execute all things belonging to the same, according to the powers vested in them by this and the said recited Acts respectively; provided that no inspector or surveyor, now or hereafter to be appointed, shall act as a commissioner in any matter or thing touching the execution of this Act. [Rep., Stat. Law Rev. Act, 1872.]

Inspectors and surveyors under the said Acts to be inspectors and surveyors under this Act, and to examine assessments, &c.

No inspector or surveyor to act as commissioner.

[X.[a]] AND be it further enacted, that every dwelling house, cottage, or tenement of whatever description, occupied at the time of making the assessment, shall be brought into charge in respect of the duties set forth in the schedule marked (A.) by the respective assessors, and in their default by the respective surveyors and inspectors herein mentioned, according to the number of windows therein, subject to the powers of discharging the same as after mentioned; and every dwelling house, cottage, or tenement, and other the premises therewith occupied, and hereby charged, as set forth in schedule (B.), being together of the annual rent of five pounds or upwards, shall also be brought into charge in like manner, according to the full and just yearly rent at which the same is really and bonâ fide worth to be let in respect of the duties set forth in the said schedule marked (B.); and if any assessor or assessors shall omit in the assessment of the said duties set forth in schedule (A.) to charge the occupiers of any house, cottage, or tenement to the said duties according to the number of windows therein, or shall omit in the assessment of the said duties set forth in schedule (B.) to charge the occupier of any house, cottage, or tenement which, with the premises therewith occupied and charged by this Act, shall be of the annual value of five pounds or upwards, to the said duties, according to the annual rent at which the same is really and bonâ fide worth to be let, whether the occupier of any such house, cottage, or tenement shall be entitled to be discharged from the same in manner herein-after mentioned, or not, every such assessor shall for each and every such neglect forfeit and pay any sum not exceeding twenty pounds nor less than five pounds; and where any such dwelling house or premises therewith occupied shall be situate within more parishes or places than one, then such dwelling house shall be charged to the said several duties as one entire house, and the premises therewith occupied as belonging to such house, in such of the said parishes or places as the surveyor or inspector for the said duties or any part thereof shall deem most expedient, to be notified by the certificate of such surveyor or inspector to the commissioners acting for either of such parishes or places.

Houses occupied at the time of making the assessment to be brought into charge according to the number of windows, and according to the full yearly rent at which the same are worth to be let.

Penalty upon the assessor for neglect.

Houses situate within more parishes than one to be charged in either parish, as the surveyors may think expedient.

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[XV.[a]] AND be it further enacted, that every house or tenement which shall happen to be unoccupied at the time of making the assessment shall be inserted as such in the assessment with the number of windows contained therein, and [Rep., Stat. Law Rev. Act, 1872.] the annual rent at which the same might be let, if

Unoccupied houses to be inserted in assessment, and assessors to certify when

[a] Rep., so far as relates to schedule (A.), Stat. Law Rev. Act, 1872.]

they become occupied.

Person coming into occupation shall give notice on pain of forfeiting 5*l.* and being charged for the whole year; but on giving notice he shall be charged only from commencement of occupation.

the same shall amount to five pounds or upwards; and the assessors, and in their default the surveyors and inspectors, shall cause the same to be certified to the said commissioners, from the time of such house or tenement coming into the occupation of any person or persons; and such person or persons shall cause notice thereof to be given to such assessor, surveyor, or inspector within twenty days after his or their coming into the occupation of such house or tenement; and every person neglecting so to do shall forfeit and pay the sum of five pounds, and shall be liable moreover for such neglect to be charged to the said several duties inserted in the assessment for the whole year in which such house or tenement became so occupied, but on giving such notice shall be chargeable only from the time of his or her coming into the occupation of such house or tenement, according to the rates prescribed in schedules (A.) and (B.), estimated on the remainder of such year, commencing from the end of the preceding quarter of the year; and every house or tenement charged to the said duties, although the same shall within the year become unoccupied in the manner mentioned in schedule (A.) shall be charged to the said duties for the whole year on the former occupier, or the occupier for the time being, as the case may require, unless notice in writing shall have been given to the assessor for the place of such house or tenement becoming unoccupied; and the commissioners for executing this Act are hereby empowered, at their discretion, to discharge such assessment, or to direct the duties to be levied according to the directions of this Act, as to them shall seem just.

Houses becoming unoccupied after assessment to be charged for the whole year, unless notice be given.

Discretion of commissioners as to discharging the assessment.

XVI. AND for the better information of the commissioners appointed to carry this Act into execution, and of the surveyors and persons to be appointed assessors as aforesaid, and the better to enable them to perform their duty, be it further enacted, that the said commissioners, or any two or more of them, and the said surveyors, inspectors, and assessors, or any one or more of them, or any person or persons authorized by them or any of them, shall have liberty, from time to time and at all seasonable times, to inspect and to take copies or extracts from any book or books kept by any parish officer or officers, or other person or persons, of or concerning the rates made for the relief of the poor, or any other public taxes, rates, or assessments, or any contributions under the management of the kirk sessions in the respective parts of Great Britain aforesaid, in any place within the limits for which they shall be appointed; and if any person or persons in whose custody or power any of the said books shall be shall refuse or neglect to permit the said inspection or the copies or extracts to be made as aforesaid, or to attend the said commissioners with their books when required so to do, then and in every such case every person who shall so refuse or neglect shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Commissioners, inspectors, surveyors, and assessors may inspect and take copies of books kept by parish officers concerning the poor rates, &c.

Penalty on persons refusing to permit such inspection, &c.

Notice to be given by occupiers of houses, or managers of hospitals, schools, &c. entitled to exemption.

[XVII.[a] AND be it further enacted, that where any house, cottage, or tenement, or any windows therein, or any hospital, charity school, poorhouse, or licensed chapel ought to be exempted from the duties hereby payable by virtue of any of the rules contained in the schedules marked (A.) and (B.) hereunto annexed, the occupier or occupiers of such house, cottage, or tenement, and the person or persons having the conduct or management of such

[a] Rep., so far as relates to schedule (A.), Stat. Law Rev. Act, 1872.]

hospital, charity school, poorhouse, or licensed chapel, shall give notice thereof to the assessor or assessors, ...

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Assessments in Scotland to be in force for one whole year from the 24th May.

XXIV. AND be it further enacted, that every assessment to be made of the said duties in pursuance of this Act in Scotland shall be in force for one whole year, and shall commence from the twenty-fourth day of May in the year in which the same shall be made, and end on the twenty-fourth day of May then next following; and the said last-mentioned duties shall be paid by half-yearly instalments on the days herein-after mentioned; (that is to say,) on or before the twenty-ninth day of September and the twenty-fifth day of March in every year; the first payment thereof to be made on or before the twenty-ninth day of September one thousand eight hundred and four [Rep., Stat. Law Rev. Act, 1872.]; and such payments shall be made by the person charged with the said duty, his or her executors or administrators, by themselves or others in their behoof, to the collector of the said duties, personally or at his office, and the said collector shall, on payment thereof, give acquittances (without taking anything for such acquittance, the stamp duty for the same accepted,) unto the several persons who shall pay the same, which shall be a full discharge to the persons paying the same against his Majesty, his heirs and successors; . . . . . .

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Lists of persons charged to the duties may be published under direction of the Treasury.

L. AND be it further enacted, that it shall be lawful for the commissioners for the affairs of taxes, under the direction of the lords commissioners of his Majesty's Treasury, from time to time to publish or cause to be published, in the several counties, ridings, divisions, cities, towns, parishes, and places respectively, lists containing the names of any persons charged to the duties made payable by this Act, and to cause the same to be published in such manner as they shall direct; and if any persons shall wilfully tear, deface, or remove any list of any such names, or any part of such lists, that shall be affixed by order of such commissioners as aforesaid upon any church or chapel door, or market cross, he or she shall forfeit for every such offence the sum of five pounds.

Penalty for defacing or removing such lists.

Penalty on persons removing without payment of duties.

LI. AND be it further enacted, that if any person rated and assessed to any of the said duties made payable by this Act shall remove out of the limits of the collectors of the said duties who shall be charged to collect the same, without first paying or discharging, or causing to be paid or discharged, all the duties charged upon him or her, and which shall then be due and payable, and without leaving within such limits sufficient goods and chattels whereon the said duties in arrear may be raised and levied, every such person shall for every such offence forfeit and pay, over and above the said duties so left unpaid as aforesaid, the sum of twenty pounds.

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Persons who fraudulently escape taxation may be charged treble the duties at any time within one year after the charge ought to have been made.

LIII. AND be it further enacted, that if any person who ought to be charged by virtue of this Act shall, by changing his or her place of residence, or by any other fraud or covin, escape from the taxation and not be charged, and the same be proved before the commissioners acting in the execution of this Act, or any two or more of them, where such person dwelleth or resideth, at any time within one year next after such charge ought to have been made, every person that shall so escape from the taxation and payment shall be charged (upon proof thereof) at treble the value of so much as he or she should

or ought to have been charged at by this Act; the said treble value to be charged in the assessment on such person, and, on nonpayment thereof, to be levied on the goods, lands, and hereditaments of such persons.

Parents and guardians to pay the duties charged upon infants, and executors and administrators the assessments upon persons deceased.

LIV. AND be it further enacted, that where any person or persons chargeable with the duties hereby made payable as aforesaid shall be under the age of twenty-one years, or where any person so chargeable shall die, in every such case the parents and guardians of such infants respectively, upon default of payment by such infants, and the executors and administrators of the persons so dying shall be and are hereby made liable to and charged with the payments which the said infants ought to have made, and the persons so dying were chargeable with; and if such parents or guardians or such executors or administrators shall neglect or refuse to pay as aforesaid, it shall be lawful to proceed against them in like manner as against any other person or persons making default of payment of the duties hereby made payable; and all parents and guardians making payment as aforesaid shall be allowed all and every sum and sums paid for such infants in his, her, or their accounts; and all executors and administrators shall be allowed to deduct all such payments out of the assets and effects of the person so dying.

Such payments to be allowed in their accounts.

Duties charged on landlords under schedules (A.) and (B.) may in certain cases be demanded of the tenants of the premises, who shall pay the same and may deduct the amount out of the landlords' rent.

[LV.[a]] AND be it further enacted, that where in the assessment of any parish, ward, or place, by virtue of the rules contained in schedules (A.) or (B.), the said duties shall be charged on the landlord or landlords or owners of any dwelling houses let in different apartments, stories, tenements, lodgings, lands, or landings, and not on the respective occupiers thereof, and the landlords or owners shall not reside in such parish or place, or shall not have sufficient goods or chattels in such parish or place whereon the duties so assessed shall or may be levied, and such landlords or owners shall not have paid the said duties, then and in such case it shall be lawful for the collector or collectors to demand the same of and from the tenant or tenants, occupier or occupiers thereof, or any of them, and on nonpayment thereof shall and may levy the said duties on the goods and chattels of such tenants and occupiers respectively by distress and sale as aforesaid, as if the said duties were charged on such tenants and occupiers; and such tenants and occupiers are hereby required and authorized to pay such sum or sums of money as shall be so assessed, and to deduct out of the rent of such apartments, stories, tenements, lodgings, lands, or landings such payments as the landlords and owners have been charged with; and the said landlords and owners, both mediate and immediate, according to their respective interests, are hereby required to allow such payments upon receipt of the residue of the rent; and every such tenant and occupier shall be acquitted and discharged of so much money as the said assessment or assessments shall amount unto, as if the same had actually been paid unto such landlords or owners.

Parishes or places in England in which assessments are made to be answerable for the duties.

LVI. AND be it further enacted, that in England, Wales, or Berwick-upon-Tweed the ward, parish, or place in which any assessment shall be made of the said duties shall be answerable for the amount of the duties which shall be charged in such ward, parish, or place, and for the said duties being duly demanded of the respective persons charged therewith, within ten days

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[a] Rep., so far as relates to schedule (A.), Stat. Law Rev. Act, 1872.

after the same are payable by virtue of this Act by the collector or collectors of such ward, parish, or place; and also for such collector or collectors, his, her, or their executors or administrators duly paying the sums received by such collector or collectors to the receiver general of the said duties according to this and the said first-recited Act; and every arrear of the said duties arising from the default as aforesaid or by the failure of any collector for which any ward, parish, or place as aforesaid shall be answerable, shall be re-assessed within or upon such ward, parish, or place as soon after such default shall be discovered as conveniently can be done, and shall respectively be charged on the amount of the assessment which shall be made for the same duties in the year commencing from the fifth day of April preceding the time of making such re-assessment, by duly apportioning the amount of such arrear amongst the several persons assessed in that year to the same duties respectively on which such arrear shall have accrued, according to each person's assessment thereof, as nearly as the case will admit, and by the like rules, methods, and directions by which the original assessment was made of the same duties to be raised and levied, in such manner as any assessment may be by this Act raised and levied.

Arrears to be re-assessed.

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LIX. AND be it further enacted, that the payment of any of the duties made payable by this Act by any person or persons in any parish or place shall not entitle the person or persons so paying such duties to a settlement in such parish or place.

Payment of the duties not to give a settlement.

[LX.[a]] AND be it further enacted, that the several assessors, inspectors, and surveyors so as aforesaid appointed or to be appointed, and every of them, shall have full power, at seasonable times, taking to his or their assistance in all cases when the same shall be necessary a constable, headborough, tything-man, or other officer of the respective parishes or places within that part of Great Britain aforesaid, who are hereby required to assist such officers accordingly, to view and examine each dwelling house, in order to ascertain the number of windows or lights therein, and the dimensions thereof, and the annual rent at which the same dwelling house ought to be charged, and for so doing shall have liberty to pass through any house or houses, and to go into any court, yard, back side, or premises thereunto belonging, and externally to view and inspect the windows or lights in any such house or houses, and the premises occupied therewith, and to measure such windows or lights externally that cannot be conveniently seen, numbered, or measured without passing through such house or houses, and shall also have liberty to make like view, examination, and inspection twice in the year during the continuance of this Act; and if any dispute shall arise touching the dimensions of any window or light, the proof thereof shall lie upon the occupier or occupiers, who shall cause the same to be duly admeasured at his and their proper costs, and verified before two or more of the said commissioners on the oath or affirmation of the person admeasuring the same.

Assessors, inspectors, and surveyors may view and examine houses, in order to ascertain the value thereof, and the number and dimensions of the windows.

Constables, &c. to assist when required.

In case of dispute as to dimensions of windows, the proof to lie on the occupier.

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[a] Rep., except so far as relates to ascertaining the annual rent at which each dwelling house ought to be charged, Stat. Law Rev. Act, 1872.]

Assessors to bring in certificates of assessments for all the duties, with the names of those who have claimed exemptions, to be verified on oath, and to be delivered at the times and according to the regulations of the Act of the present session.

[LXII.[a]] AND be it further enacted, that the respective assessors acting in the execution of this Act shall bring in their certificates of assessments in writing under their hands, within the time limited by the said recited Act of the present session of Parliament, to be verified as therein directed, of every dwelling house, inhabited or not inhabited, within the limits of those places for which they are to act, and of the number of windows or lights in each house, and the full and just yearly rent which every such dwelling house, with the offices and premises hereby charged, is really worth, estimated according to this Act, together with the names and surnames of the several occupiers or inhabitants of each dwelling house, ... and of the several sums of money they respectively ought to pay by virtue of this Act, in each case respectively, without concealment or favour; and also the names and surnames of those who have claimed exemptions from the said duties, or any of them, and the causes of such exemption, under the penalty contained in the said recited Act, observing therein, as to the time of bringing in such certificates, the regulations of the said recited Act.

Surveyors, &c. may examine returns and assessments, and amend the same.

LXIII. AND be it further enacted, that the surveyors or inspectors appointed or to be appointed as herein mentioned shall be and they are hereby empowered to inspect and examine all and every the returns of lists or declarations made by any person or persons chargeable to the said duties, or any of them, according to the directions of this Act, and also all and every the assessments of the said duties, or any of them, made for any parish or place, as well before as after the commissioners shall have signed and allowed the said assessments, and, before such allowance, to correct and amend such assessments, if he or they shall see fit; and every person in whose custody any such lists shall be shall and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to deliver the same into his custody for the purposes of this Act, taking his receipt for the same; and every person in whose custody any such assessment shall be shall and is hereby required, upon the request of such surveyor or inspector as aforesaid, to produce the same; and such surveyor or inspector is hereby authorized to take charge of the same until he shall have taken such copies of or extracts from the same as may be necessary for his and their better information; and if any such surveyor or inspector shall, after any such list or lists and assessment or assessments shall be so respectively made out, signed, and allowed as aforesaid, find or discover upon his survey or examination, or otherwise, that any person who ought to be charged with the said duties, or any of them, shall have been omitted to be charged therewith, or shall have been underrated, or that any person liable to the said duties, or any of them, in respect of which such lists or declarations as aforesaid ought to have been delivered, hath not made any return as by this Act is required, or hath omitted any person, or any description, or any article, matter, or thing which ought to have been returned, so that he or she shall not have been charged to the amount which ought to be paid by him or her, or that any exemption shall have been claimed which is not allowed by this Act, then and in every such case the said surveyor or inspector shall certify the same in writing under his hand, together with an account of every default and omission, with the name or description of the person or thing not returned or omitted, to the best of his knowledge and belief, and the full amount of the duty which ought to be paid, by way of surcharge, to any two or more of the said commissioners for putting in execution this Act, in order to have such default, omission, or under rate rectified in the said assessment; and such commissioners are, upon the delivery of any such certificate, and upon oath being first made that such notice as herein-after directed was given to or left in writing at the dwelling house or other place of abode of the person so surcharged, required to sign and allow the said surcharges, and to cause the said assessments to be rectified, and the said duties to be levied accordingly; and the said inspectors and surveyors shall give or cause to be given to every person so surcharged, or leave or cause to be left at his or her last or usual place of abode in the district where such surcharge was made, notice in writing of such surcharge, and of

Lists to be delivered to surveyors when required, and assessments produced to them for the purpose of taking copies.

After assessments are allowed the surveyors shall certify omissions, &c. to the commissioners by way of surcharge.

Upon delivery of the certificate, and oath being made that notice was given to the person surcharged, the commissioners shall allow the surcharges.

[a] Rep., except so far as relates to certificates of assessments for the duties on inhabited houses according to the annual value thereof, Stat. Law Rev. Act, 1872.]

the amount for which he or she shall have been charged by virtue of such certificate; which surcharges the said inspectors and surveyors are hereby empowered to make from time to time and at such times as is directed by the said recited Acts respectively of the present session of Parliament; and such surcharges shall be made in the full amount of the duty which ought to be charged by virtue of such certificate in respect of the duties contained in schedules (A.) and (B.), and in double the amount of the duty which ought to be charged by virtue of such certificate, in respect of all or any of the duties contained in the other schedules to this Act annexed. [Rep., Stat. Law Rev. Act, 1872.]

Notice of surcharge

In what amount the surcharges shall be made.

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LXIX. PROVIDED always, and be it further enacted, that an appeal may be made from any assessment or surcharge as aforesaid and heard and determined under the regulations of the said recited Acts respectively, and that such appeal may be made in the like cases as are mentioned in the said recited Acts respectively, and also in the case herein-after mentioned.

Appeals.

LXX. AND be it further enacted, that if any person or persons shall think himself, herself, or themselves respectively overcharged or overrated by any certificate of any inspector or surveyor as aforesaid, or by any assessment to be made by virtue or in pursuance of such certificate, it shall be lawful for him, her, or them respectively to appeal to the said commissioners in such manner as they are authorized to appeal from any original assessment or surcharge by the regulations of the said recited Acts respectively, ...

Persons overcharged may appeal to commissioners.

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LXXII. AND be it further enacted, that if any inspector or surveyor shall wilfully make any false and vexatious surcharge, or wilfully deliver or cause to be delivered to the commissioners for executing this Act any false and vexatious certificate of charge, every such inspector or surveyor shall forfeit to the party aggrieved any sum not exceeding fifty pounds, to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster for offences committed in England, and in the Court of Great Sessions for offences committed in Wales [Rep., Stat. Law Rev. Act, 1872.], and in the Courts of Session or Exchequer for offences committed in Scotland, with full costs of suit: Provided always, that nothing herein-before contained, nor any suit by the party aggrieved in pursuance of this Act shall be construed to affect, impeach, or defeat any action or information brought or to be brought against any surveyor or inspector in pursuance of the said recited Acts respectively, for any corrupt, vexatious, or illegal practices in the execution of his office; and it shall be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence, by endorsement on the postea, or for the court before whom such person shall be convicted, to mitigate the penalty at his or their discretion.

Inspector or surveyor making a false or vexatious surcharge or certificate of charge, to forfeit a sum not exceeding 50*l.*

Saving as to any action, &c. against surveyor for corrupt, vexatious, or illegal practices.

Court may mitigate the penalty.

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LXXVI. AND to the end that no person may pay the same duties for the same articles in more parishes or districts than one for the same year, be it further enacted, that if any person, having been assessed under this Act in one parish or district to the duties made payable by this Act or any of them, shall be again assessed in another parish or district for the same cause and on the same account, in such case the commissioners for this Act within such latter parish or district, or the majority of the said commissioners present, on any application for the purpose, may and are hereby required to alter any assess-

Commissioners, on application made to them, shall grant relief to persons who have been assessed in different places for the same cause and on the same account.

ment of such person so assessed twice, on proof given before them that such person hath before been assessed for the same cause and on the same account in another place, and in what place specifically, and hath paid or is liable to pay the duties for the same upon such assessment; which proof shall be made by the oath or affirmation of the party, or some credible witness, that the several assessments are for the same cause and on the same account, and by the production of either a copy or certificate of the first assessment, signed by two or more commissioners of the district for which such first assessment shall have been made, to be verified on oath or affirmation as aforesaid, which copy or certificate the clerk of the said commissioners shall deliver gratis to the party requiring the same, or in default of such copy or certificate, then the proof thereof shall be made by other evidence on oath or affirmation as aforesaid, to the satisfaction of the commissioners present, or the majority of them; and if any person shall, by any fraudulent contrivance whatever, procure any assessment to be altered, with intent to defraud his Majesty, his heirs or successors, of the said duties or any part thereof, every such person shall for every such offence forfeit the sum of fifty pounds.

No letters patent to confer an exemption from the duties.

LXXVII. AND be it further enacted, that no letters patent granted by the King's Majesty, or any of his royal progenitors, or to be granted by his Majesty to any person or persons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments, or aids shall be construed or taken to exempt any person or persons, city, borough, or town corporate, or any of the inhabitants of the same, from the burden and charge of any of the said duties; and all non-obstantes in such letters patent made or to be made in bar of this Act are hereby declared to be void and of none effect; any such letters patent, grants, or charters, or any clause of non-obstante, or other matter or thing therein contained, or any law or statute to the contrary notwithstanding.

Commissioners of the Treasury to appoint salaries of officers, and to pay incidental expences.

LXXVIII. PROVIDED also, and be it further enacted, that out of the monies from time to time arisen or to arise of or from the said duties made payable by this Act it shall be lawful to and for the said commissioners of the Treasury or any three or more of them now or for the time being, or the high treasurer for the time being, to settle and appoint such salaries and allowances for the service, pains, and labour of the surveyors, inspectors, and other officers to be employed in the execution of this Act and otherwise in relation thereto, and also to discharge such incident charges and expences as shall necessarily attend the execution of this Act, as the said commissioners of the Treasury or any three or more of them, or the high treasurer for the time being shall think fit and reasonable in that behalf.

* * * * * * * * *

Recovery of penalties.

LXXX. AND be it further enacted, that all pecuniary penalties and forfeitures imposed by this Act shall and may be sued for, recovered, and applied in such manner and form as is directed by the said recited Acts respectively in regard to the pecuniary penalties and forfeitures thereby imposed.

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44 GEORGE III. A.D. 1803–4.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE SIXTEENTH DAY OF NOVEMBER, A.D. 1802,
IN THE FORTY-THIRD YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-SECOND DAY OF NOVEMBER, A.D. 1803,
BEING THE SECOND SESSION OF THE SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XIII.

AN ACT to prevent the Desertion and Escape of Petty Officers, Seamen, and others from His Majesty's Service, by Means or under Colour of any Civil or Criminal Process. [15th December 1803.]

WHEREAS many petty officers and seamen belonging to his Majesty's navy, and divers persons who have either voluntarily entered into or been duly impressed to serve in his Majesty's navy, have of late years been taken out of his Majesty's service by means of arrests and detainers, as well both for real and pretended debts or causes of action, as also upon charges or accusations for alleged criminal offences; and such petty officers, seamen, and other persons as aforesaid have been thereupon discharged out of custody, either by due course of law or by the consent of the persons at whose suit or on whose complaint they had been so arrested, apprehended, or detained, with intent to enable them, and they have been thereby often times enabled, to desert and escape from his Majesty's said service, to the great prejudice and detriment of the said service: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act whenever any petty officer or seaman belonging to his Majesty's navy, or any person who shall have voluntarily entered into or been impressed to serve in his Majesty's navy, shall be arrested, apprehended, or taken in execution by any sheriff or sheriffs, or other officer or officers, either upon or by virtue of any mesne or other writ or process whatsoever, or upon or by virtue of any warrant for any alleged criminal offence, and shall be thereby taken from or out of his Majesty's sea service, or from or out of any ship or vessel appointed for receiving volunteers and impressed men to serve in his Majesty's navy, or from or out of the custody of any officer of the impress or other officer in his Majesty's sea service, with whom any such person as aforesaid shall have voluntarily agreed to enter into, or by whom any such person as aforesaid shall have been impressed to serve in his Majesty's navy, or who shall have the custody or charge of any such person as aforesaid, the sheriff or sheriffs, gaoler or gaolers, or other officer or officers, who shall have arrested or apprehended any such petty officer, seaman, or other person as aforesaid, or in

Petty officers or seamen of the navy arrested by sheriffs, &c., to be kept in custody after they are entitled to be discharged, &c. and be immediately conveyed and delivered to a commander in chief of some of his Majesty's ships, &c. to serve on board the fleet.

whose custody any such petty officer, seaman, or other person as aforesaid shall happen to be, by way of detainer upon or by virtue of any such writ, process, warrant, charge, or accusation, or upon or by virtue of the judgement or sentence of any court, shall not discharge any such petty officer, seaman, or other person as aforesaid out of his or their custody, either upon payment or satisfaction of the debt or debts, cause or causes of action, or for want of prosecution for, or upon acquittal of, the charge or accusation, charges or accusations, upon which any such petty officer, seaman, or other person as aforesaid shall be in custody as aforesaid, or by consent of the person or persons at whose suit or on whose behalf any such petty officer, seaman, or other person as aforesaid shall have been arrested, apprehended, taken, or detained, or upon giving bail or any other security, or upon any undertaking either to appear to or to answer or satisfy any such debt or debts, cause or causes of action, charge or accusation, charges or accusations, or in case of conviction for any criminal offence or offences after the expiration of any period or term for which any such petty officer, seaman, or other person as aforesaid may have been sentenced to be imprisoned, but shall detain and keep every such petty officer, seaman, and other person as aforesaid in his or their custody, and shall thereupon forthwith and as soon as every such petty officer, seaman, or other person as aforesaid would be entitled to be discharged out of custody, with respect to any such writ, process, or warrant, or with respect to any such debt or debts, cause or causes of action, charge or charges, accusation or accusations, judgement, or sentence, with all convenient speed, safely and securely conduct and convey, and safely and securely deliver every such petty officer, seaman, and other person as aforesaid, either unto the commander in chief of some of his Majesty's ships, or unto some commissioned officer of the navy being authorized and empowered to raise seamen for his Majesty's service, or unto some principal officer employed in regulating the service of raising men for his Majesty's fleet, whichever shall be at or nearest to the place where any such petty officer, seaman, or other person as aforesaid shall then happen to be, in order that every such petty officer, seaman, or other person as aforesaid may be detained and kept to serve on board his Majesty's fleet, as before they were liable to do; and such commander in chief, officer of the impress, or principal regulating officer as aforesaid shall thereupon give and deliver to such sheriff or sheriffs, gaoler or gaolers, or other officer or officers as aforesaid a certificate, directed to the treasurer of his Majesty's navy, specifying the receipt of every such petty officer, seaman, or other person as aforesaid, as shall be so delivered to him respectively as aforesaid, and the places from and to which any such petty officer, seaman, or other person as aforesaid shall have been conducted and conveyed as aforesaid; and the sheriff or sheriffs, gaoler or gaolers, or other officer or officers who shall have so conducted, conveyed, and delivered as aforesaid any such petty officer, seaman, or other person as aforesaid, shall thereupon be entitled to receive of and from the said treasurer of his Majesty's navy the sum of two shillings per mile, and no more, for conducting, conveying, and delivering as aforesaid every such petty officer, seaman, or other person as aforesaid, upon production to the said treasurer of the navy of such certificate.

Sheriffs, &c. to be paid for conveying such petty officers or seamen at the rate of 2s. per mile.

II. AND be it further enacted, that in case any such petty officer, seaman, or other person as aforesaid shall be removed from or out of the custody of

Sheriffs transferring such petty officers

any sheriff or sheriffs, gaoler or gaolers, or other officer or officers by whom any such petty officer, seaman, or other person as aforesaid shall have been arrested or apprehended as aforesaid, or in whose custody any such petty officer, seaman, or other person as aforesaid shall happen to be, into the custody of any other sheriff or sheriffs, gaoler or gaolers, or other officer or officers, by virtue of any writ of habeas corpus, or otherwise, the sheriff or sheriffs, gaoler or gaolers, or other officer or officers so having arrested or apprehended such petty officer, seaman, or other person as aforesaid, or in whose custody any such petty officer, seaman, or other person as aforesaid shall happen to be, shall certify in writing to the sheriff or sheriffs, gaoler or gaolers, or other officer or officers into whose custody such petty officer, seaman, or other person as aforesaid shall be so removed, upon the back of the writ or other proceeding by which such petty officer, seaman, or other person as aforesaid shall be removed out of the custody of such sheriff or sheriffs, gaoler or gaolers, or other officer or officers as aforesaid, that such person so removed as aforesaid is a petty officer, seaman, or other person as aforesaid, as the case may be, and liable to be kept and detained for his Majesty's service; and so toties quoties, as often as any such petty officer, seaman, or other person as aforesaid shall be removed from the custody of one such sheriff or sheriffs, gaoler or gaolers, or other officer or officers to the custody of any other sheriff or sheriffs, gaoler or gaolers, or other officer or officers.

or seamen to other sheriffs, &c. shall certify their liability to be detained for his Majesty's service.

III. PROVIDED always, and be it further enacted, that in case any sheriff or sheriffs, gaoler or gaolers, or other officer or officers shall neglect or refuse to conduct and convey, for the purpose aforesaid, any such petty officer, seaman, or other person as aforesaid to any distance not exceeding eighty miles for the space of two days, or to any distance not exceeding one hundred and twenty miles for the space of three days, and so to any other greater distance, at the rate of forty miles per day, after the time that any such petty officer, seaman, or other person as aforesaid ought to be conducted and conveyed as aforesaid for the purpose aforesaid according to the directions of this Act, but shall wilfully or negligently detain and keep any such petty officer, seaman, or other person as aforesaid in his or their custody for any space of time over and above the several spaces of time herein-before in that behalf specified, without conducting and conveying him as aforesaid for the purpose aforesaid, then all and every such sheriff or sheriffs, gaoler or gaolers, or other officer or officers shall be subject and liable to be impleaded in an action of trespass upon the case, at the suit of every such petty officer, seaman, or other person as aforesaid who shall be so detained as aforesaid; anything herein contained to the contrary notwithstanding.

Sheriffs, &c. neglecting to convey such petty officers or seamen as herein directed, shall be liable to an action for trespass.

IV. AND be it further enacted, that in case any sheriff or sheriffs, gaoler or gaolers, or other officer or officers shall not safely and securely conduct and convey and safely and securely deliver any such petty officer, seaman, or other person as aforesaid either unto such commander in chief, officer of the impress, or principal regulating officer as aforesaid, whichever shall be at or nearest to the place where such petty officer, seaman, or other person as aforesaid shall then happen to be, but shall either wilfully or negligently permit or suffer any such petty officer, seaman, or other person as aforesaid to escape and go at large, all and every such sheriff or sheriffs, gaoler or gaolers, or other officer or officers shall for every such offence forfeit and pay the sum of one

Penalty of 100*l.* on sheriffs, &c. for suffering such petty officers or seamen to escape.

hundred pounds, to be sued for and recovered in any of his Majesty's courts of record at Westminster for offences committed in England, in his Majesty's Court of Exchequer at Edinburgh for offences committed in Scotland, and in any of his Majesty's courts of record in Dublin for offences committed in Ireland, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law, nor more than one imparlance shall be allowed; one moiety of which penalty shall be paid to his Majesty, his heirs and successors, and the other moiety thereof to him or them who shall sue for the same, together with full costs of suit.

Limitation of actions, &c.

V. AND be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be non-suited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in any other case to recover costs by law [Rep., 5 & 6 Vict. c. 97. s. 2.].

Treble costs.

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CHAPTER XLIII.

AN ACT to enforce the due Observance of the Canons and Rubrick respecting the Ages of Persons to be admitted into the sacred Orders of Deacon and Priest. [3d May 1804.]

WHEREAS by the canons of the churches heretofore of England and Ireland, now the United Church of England and Ireland, it is ordained, ordered, and directed that no bishop shall admit any person into the sacred order of a deacon who is not twenty-three years old, nor to be a priest except he be twenty-four years compleat: And whereas by the prefaces to the forms of ordination of priests and deacons established and used by authority of several Acts of the Parliaments of England and Ireland respectively it is directed that none shall be admitted deacon except he be twenty-three years of age, unless he have a faculty, and that every man which is to be admitted a priest shall be full twenty-four years old: And whereas in that part of the United Kingdom called Ireland the aforesaid rule respecting the ages of persons desiring to be admitted into holy orders has been sometimes disregarded and rendered of no effect, to the great scandal and detriment of the Church, and to the prejudice of religion: For the better prevention whereof for the future, and also in order that one certain and undoubted rule and course of practice may hereafter prevail and be observed in this respect in England and Ireland, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the

same, that from and after the passing of this Act no person shall be admitted a deacon before he shall have attained the age of three and twenty years compleat, and that no person shall be admitted a priest before he shall have attained the age of four and twenty years compleat: And in case any person shall, from and after the passing of this Act, be admitted a deacon before he shall have attained the age of three and twenty years compleat, or be admitted a priest before he shall have attained the age of four and twenty years compleat, that then and in every such case the admission of every such person as deacon or priest respectively shall be merely void in law as if such admission had not been made, and the person so admitted shall be wholly incapable of having, holding, or enjoying, or being admitted to any parsonage, vicarage, benefice, or other ecclesiastical promotion or dignity whatsoever, in virtue of such his admission as deacon or priest respectively, or of any qualification derived or supposed to be derived therefrom: Provided always, that no title to confer or present by lapse shall accrue by any avoidance or deprivation, ipso facto, by virtue of this statute, but after six months notice of such avoidance or deprivation given by the ordinary to the patron.

Deacons not to be admitted before attaining 23, nor priests before attaining 24.

II. AND be it further enacted, that nothing herein contained shall extend or be construed to extend to take away any right of granting faculties heretofore lawfully exercised and which now be lawfully exercised by the Archbishop of Canterbury or the Archbishop of Armagh.

This Act not to affect the right of granting faculties.

CHAPTER LIV.

AN ACT to consolidate and amend the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain; and to make further Regulations relating thereto.[a] [5th June 1804.]

WHEREAS an Act was passed in the forty-second year of the reign of his present Majesty, intituled "An Act to enable his Majesty to avail "himself of the offers of certain yeomanry and volunteer corps to continue "their services": And whereas an Act was passed in the forty-third year of the reign of his present Majesty, intituled "An Act for authorizing the "billeting of such troops of yeomanry and volunteer cavalry as may be "desirous of assembling for the purpose of being trained together in Great "Britain and Ireland, and for subjecting to military discipline, during the "war, such serjeants serving in any volunteer or yeomanry corps of cavalry "or infantry as receive constant pay, and all trumpeters, drummers, or bugle-"men serving therein and receiving pay at any daily or weekly rate, and "for the further regulation of such yeomanry and volunteer corps": And whereas an Act was passed in this session of Parliament, intituled "An Act "to explain and amend two Acts, passed in the forty-second and forty-third "years of the reign of his present Majesty, relating to volunteers and "yeomanry corps in Great Britain": And whereas it is expedient that all the provisions of the said Acts, so far as the same relate to corps of yeomanry and volunteers in Great Britain, should be consolidated in one Act, and that

42 Geo. 3. c. 66.

43 Geo. 3. c. 121.

44 Geo. 3. c. 18.

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[a] Rep., so far as relates to volunteers in Great Britain, 26 & 27 Vict. c. 65. s. 51.

further provisions should be made for the regulation of such corps and persons serving therein respectively: . . . . . .

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His Majesty may continue the services of corps accepted before passing this Act, and accept the services of any formed hereafter, and may disband or discontinue their services.

III. AND be it further enacted, that it shall be lawful for his Majesty to continue the services of all corps of yeomanry or volunteers accepted before the passing of this Act, and also to accept the services of any corps of yeomanry or volunteers that may be formed after the passing thereof, such corps respectively being formed under officers having or who shall have commissions either from his Majesty or any lieutenant of a county or any other person or persons who may be specially authorized by his Majesty for that purpose, as to his Majesty may seem proper, upon such terms and conditions, and under and according to such rules and regulations as have been approved by his Majesty in regard to such corps whose services have been accepted before the passing of this Act, and upon such terms and conditions, and under and according to such rules and regulations with regard to such corps whose services shall be accepted after the passing thereof, as to his Majesty may hereafter seem fit and proper, and to disband or discontinue the services of any corps of yeomanry or volunteers now formed or hereafter to be formed respectively, or of any parts of such corps, whenever it may seem expedient to his Majesty so to do: Provided always, that the services of all corps of yeomanry and volunteers accepted before the passing of this Act shall be deemed to be continued under the provisions thereof, unless his Majesty shall signify his intention of disbanding or discontinuing the services of any such corps by any order to be communicated by his Majesty's principal secretary of state.

Services of corps accepted before the passing of this Act shall be deemed to be continued under the provisions thereof.

Effective members of yeomanry, &c. shall be exempt from service in the militia or other additional force, but such exemption shall not extend to corps whose offers specified that it would not be claimed, nor to a greater number than the establishment of the corps.

IV. AND be it further enacted, that every person enrolled or to be enrolled and serving as an effective member of any corps of yeomanry or volunteers in Great Britain, and who shall be duly returned or certified as such under this Act, shall be exempt from being liable to serve personally or to provide a substitute in the militia of Great Britain, or in any additional force raised or to be raised for the defence of the realm and more vigorous prosecution of the war, under any Act or Acts of the last session of Parliament, or under any Act or Acts of the present or any future session of Parliament, and from supplying any vacancies therein, and shall remain so exempted so long as he shall continue to be and be returned or certified to be an effective member, in manner by this Act required, and no longer: Provided always, that nothing in this Act contained shall extend or be construed to extend to entitle any member of any corps of yeomanry or volunteers to any exemption mentioned in this Act, in any case in which, in the offer or acceptance of service of such corps, it shall have been specified that such exemption would not be claimed by or allowed to the members thereof, or to entitle any greater number of persons in any corps to any exemptions under this Act than shall have been or shall be allowed as the established number of such corps.

No person shall be deemed an effective member who does not duly attend, armed, &c., a certain number of days, unless absent

V. PROVIDED always, and be it further enacted, that no person shall be deemed, construed, or taken to be an effective member of any corps of yeomanry or volunteers, or shall be returned or certified as such by any commanding officer under this Act, or be entitled to any exemption under any of the provisions thereof, who shall not have duly attended, properly armed and accoutred and mounted, if cavalry, at the muster or exercise of the corps to which he

belongs, if cavalry four days, if infantry eight days at the least in the course of the four months next preceding each return made under this Act, unless he shall have been absent with leave, under the provisions of this Act, or shall have been prevented by actual sickness, such sickness to be certified by some medical practitioner or otherwise proved to the commanding officer of the corps to his satisfaction, nor unless such person shall be returned or certified by his commanding officer in manner directed by this Act as an effective member, and as having taken the oath of allegiance.

with leave or on account of sickness, nor unless returned as an effective member, &c.

VI. PROVIDED always, and be it further enacted, that in every case in which any corps of yeomanry or volunteers heretofore accepted or hereafter to be accepted, requiring any arms or accoutrements at the expense of his Majesty, shall not have been supplied with such arms or accoutrements in sufficient time to have enabled the members thereof or any part or proportion of any such corps to have attended properly armed and accoutred at muster and exercise according to the provisions of this Act, every member of such corps who shall have duly attended muster and exercise, although without arms or accoutrements, shall nevertheless be deemed and taken to be and may be returned or certified to be an effective member thereof, in like manner as if he had so attended properly armed and accoutred.

Where arms or accoutrements have not been supplied to corps, the members who have attended muster and exercise without them may be returned as effective.

VII. PROVIDED always, and be it further enacted, that it shall be lawful for the commanding officer of any corps of yeomanry or volunteers, in any case in which, on application made for that purpose, it shall appear to him proper to grant leave of absence to any effective member of such corps who may be prevented from attending in any period of four months the number of days of muster and exercise required by this Act, to grant such leave, and to return or certify such person so absent in the next return or certificate; and every such person shall in such case continue entitled to exemption as an effective member, provided he shall in the succeeding four months attend such number of days of muster and exercise as will complete the full number of eight days attendance if cavalry, or sixteen days if infantry, in the whole period of eight successive months; and in default of having so attended eight times if in the cavalry, or sixteen times if in the infantry, in such eight successive months, he shall be struck out of the list of effective members, and returned in the muster roll as non-effective, and shall be no longer entitled to any exemption under this Act while so returned.

Commanding officers may grant leave of absence to members; who, on subsequently completing their full number of days of attendance, shall be entitled to exemption as effectives.

VIII. PROVIDED also, and be it further enacted, that if any effective member of any corps of yeomanry or volunteers shall have attended at the usual muster and exercise thereof the full number of twelve days if cavalry, and twenty-four days if infantry, within any period of four successive months, commencing from any day appointed by this Act for making a return, or within any two successive periods of four months, each commencing as aforesaid, every such person shall in such case continue entitled to exemption, and shall be returned as an effective member, for the periods for which he would have been entitled to exemption and to be returned as an effective member in case he had, within such first period of four months, attended at the muster and exercise of such corps, four days if cavalry, and eight days if infantry, and the like number of days in each of the two succeeding periods, according to the provisions of this Act.

Members attending the full yearly number of days during any one or two periods of four months shall be entitled to exemption as effectives.

Commanding officers to make returns of their corps at certain periods.

[IX.[a]] AND be it further enacted, that all officers commanding corps of yeomanry and volunteers shall, on the first day of July and the first days respectively of August and December succeeding the passing of this Act, and on the first days respectively of April, August, and December in every succeeding year, or within fourteen days after such days respectively, make returns to the clerks of the general meetings of lieutenancy, according to the form in the schedule to this Act annexed marked (A.), for the use of the lieutenants of their respective counties, and certify the same to be true in the form contained in the schedule to this Act annexed marked (B.); and every such commanding officer shall in every such return specially state the number of men on the establishment, and also the number of supernumeraries allowed in such corps, and shall also distinguish in every such return the effective from the non-effective members of such corps, and shall also state the names of all such persons as have been admitted into and also all such as have joined their respective corps since the last day appointed by this Act for making a return, and the names of all persons absent on leave as aforesaid, and also the names of all persons who shall have been discharged from or shall have quitted such corps since the last return, and shall also, in all cases where any exemptions are allowed under this Act, distinguish the persons entitled to exemptions from such as are not entitled thereto, either by reason of the number of men enrolled in such corps exceeding the allowed establishment thereof, or otherwise, and shall, in all cases where any arms required by any such corps at the expense of his Majesty shall not have been supplied, state such circumstance specially at the foot of the return, and shall also at such periods as aforesaid make to his Majesty's principal secretary of state, and to the general officer commanding the district (when any such shall be appointed), accurate returns of their respective corps, specifying the numbers of effective and non-effective men in their corps at the time of making such returns; and all such last-mentioned returns shall be made as near as may be according to the description of the corps in the form in which monthly military returns are usually made.

Commanding officers to give certificates to effective men residing in other places, which shall entitle them to exemptions therein.

X. PROVIDED always, and be it further enacted, that it shall be lawful for the commanding officer of any corps of yeomanry or volunteers and he is hereby required at the time of returning every muster roll of his corps to give to every effective member thereof, who shall be resident or liable to be ballotted for the militia or any other such additional force as aforesaid in any other county than that in which such muster rolls shall be returned, and who shall require the same, a certificate in the form in the schedule to this Act annexed marked (C.); and such certificate shall, on delivery thereof to the clerk of the general meetings of lieutenancy for the county where such person shall reside or be liable to any such ballot, entitle such effective member to his exemptions from service under this Act as effectually as if he had been returned to the lieutenancy of the county in which he shall reside or be liable to be ballotted as aforesaid in a muster roll under this Act.

Field officers and adjutants of volunteer corps, and per-

XI. AND be it further enacted, that all field officers and adjutants of volunteer corps, and every person serving in any corps of yeomanry or volunteer cavalry, who shall be returned in any such muster roll or be certified as aforesaid as an effective member thereof, and as having used any horse, mare, or gelding for such service during such

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[a] So much as relates to the periods for the transmission of certificates and returns, rep., 7 Geo. 4. c. 58. s. 1.]

days of muster and exercise as aforesaid, and every person providing a horse, mare, or gelding for any other person serving as an effective member in any such corps, who shall be returned as effective, and as having used such horse, mare, or gelding for such service during such days of muster and exercise, shall be exempt from the payment of any duties in respect of such horse, mare, or gelding, so long as such horse, mare, or gelding shall be so used by an effective member as aforesaid; . . . . . Provided always, that every such exemption from duty as aforesaid shall be returned and claimed in the manner in which exemptions are directed to be returned and claimed by an Act passed in the last session of Parliament, intituled "An Act for repealing the several "duties under the management of the commissioners for the affairs of taxes, and "granting new duties in lieu thereof, for granting new duties in certain cases therein "mentioned, for repealing the duties of excise on licences, and on carriages constructed "by coachmakers, and granting new duties thereon, under the management of the said "commissioners for the affairs of taxes, and also new duties on persons selling carriages "by auction or on commission" [Rep., Stat. Law Rev. Act, 1872.]: Provided also, that the commanding officer of every such corps shall, before the fifth day of July succeeding the passing of this Act, and between the fifth day of April and the fifth day of May in every succeeding year, deliver or cause to be delivered to any surveyor or inspector of taxes of the district wherein such cause shall be enrolled, or of any adjoining district, a certificate in the form in the schedule to this Act annexed marked (E.); and in case the same shall be a corps of yeomanry or volunteer cavalry, and any of the horses, mares, or geldings used by any effective member thereof for service therein shall be provided by any other person or persons, such commanding officer shall also insert in such certificate the names of the several persons who shall provide any such horses, mares, or geldings, and shall also annex to such certificate affidavits of the several persons serving in such corps for whom any horses, mares, or geldings shall be provided, declaring respectively by whom the same are provided; and every person claiming to be exempted from the said duties shall be charged and chargeable thereto, unless such certificate as aforesaid, and also such affidavits in cases where the same are hereby required, shall have been delivered pursuant to the provisions of this Act; which certificates, made up, returned, and certified according to the form thereof in the said schedule marked (E.), shall be deemed to be sufficient and valid for the purpose of proving such claims to exemption as aforesaid: Provided always, that if from any variation of circumstances or other reason the said forms hereby required cannot be strictly adhered to, any instruments of a similar import may nevertheless be admitted and received in proof as aforesaid, at the discretion of the respective commissioners acting in the execution of the above-mentioned Act of the last session of Parliament for the district wherein such corps shall be enrolled, and when so admitted and received shall be as valid for the purposes aforesaid as if a certificate and affidavit had been delivered according to the directions of this Act.

sons serving in yeomanry or volunteer cavalry, exempted from duty for horses used at muster and exercise, and also persons providing them.

43 Geo. 3. c. 161.

Commanding officers to deliver annual certificates to surveyors of taxes in the form in schedule (E.); and insert therein the names of persons providing horses for others, and annex affidavits of the persons so furnished therewith.

Where the required forms cannot be adhered to, instruments of a similar import may be admitted.

XII. PROVIDED always, and be it further enacted, that no members of any corps of yeomanry or volunteers shall be entitled to any exemption under this Act, unless the commanding officer thereof shall at the times of transmitting the muster rolls in manner directed by this Act certify at the foot thereof that such corps has been inspected at least once in the space of the preceding four months by some general or field officer of his Majesty's regular forces, or if such inspection shall not have taken place, that such corps has been ready and willing to be so inspected at its usual place or places and times of meeting.

No corps to be entitled to exemptions unless the commanding officer certifies that it has been or has been ready to be inspected during the previous four months.

No tolls to be demanded for horses rode by persons in corps of yeomanry, or by field or staff officers of volunteers going to exercise, &c. dressed in uniform, and armed and accoutred.

XIII. AND be it further enacted, that no toll shall be demanded or taken at any turnpike gate or bar for any horses, mares, or geldings rode by any person belonging to any corps of yeomanry, or by any field officer or staff officer of volunteers, in going to any place for the purpose of exercise, or returning therefrom, anything in any Act or Acts to the contrary notwithstanding: Provided always, that every such person shall be dressed in the uniform of his corps, and have his arms and accoutrements according to the regulations provided for such corps at the time of claiming such exemption from toll as aforesaid.

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Penalty on commanding officers making false returns or giving false certificates.

XV. AND be it further enacted, that every commanding officer of any corps of yeomanry or volunteers as aforesaid who shall knowingly make any false return of any muster roll of such corps, or give any false certificate under this Act, shall forfeit for every such offence the sum of two hundred pounds, to be recovered as any like penalty may be recovered under any Acts relating to the militia, and to go and be applied to the use of his Majesty, his heirs and successors.

When the proportions of men are fixed to serve in the militia or any additional force, such as are exempted shall be deducted, and the quotas apportioned accordingly, &c.

XVI. AND be it further enacted, that the lieutenants and deputy lieutenants of every county, when they fix at any general meeting the proportions of men to serve in the militia or any such additional force for the several hundreds or other divisions, shall deduct the number of yeomanry and volunteers exempted as aforesaid from the number of persons liable to the ballot, and apportion the quotas for the several divisions accordingly; and the deputy lieutenants at their respective subdivision meetings shall in like manner apportion the quotas for the several parishes, tythings, and places: Provided always, that when a greater number of men are actually serving for any division, parish, tything, or place than would be due from it according to the last made apportionment, the surplus shall not be discharged, but as vacancies occur such vacancies shall be supplied from such divisions, parishes, tythings, or places as by the last made apportionment are most deficient.

Persons enrolled in the yeomanry or volunteers not to be exempted from ballot, and notice to be given to such as are chosen, who shall be immediately liable to serve on quitting the corps or being discharged for misconduct.

XVII. AND be it further enacted, that nothing in this Act or in any other Acts contained shall exempt any person enrolled or serving in any corps of yeomanry or volunteers from being ballotted to serve in the militia, or any such additional force as aforesaid; and the deputy lieutenants at their respective subdivision meetings shall enter in a separate list the names of all persons who shall have been chosen by ballot to serve in the militia, or such additional force as aforesaid, during the periods of such persons being exempt from service under this Act, in the order in which they shall be so chosen, and shall, notwithstanding such exemptions, give notice thereof to the persons so chosen, but shall at the same time apprize such persons that they are exempted from such service so long as they shall continue effective members of such corps of yeomanry or volunteers; and every such person shall, if he shall quit such corps, or be discharged therefrom by his commanding officer for non-attendance or any misconduct or misbehaviour under the provisions of this Act, during the continuance of the present war or until six months after the exchange of the ratifications of a definitive treaty of peace, be immediately liable to serve for the full period of service for which he shall have been chosen by ballot; and every such person shall, in the order in which he shall have been entered on such lists, fill up any vacancy that may then be or may thereafter arise in such militia or additional force as aforesaid in and for the

subdivision for which he shall originally have been balloted, and shall immediately on any such vacancy arising be enrolled to serve or find a substitute to serve in such militia or additional force as aforesaid for such full period of service as aforesaid, to commence from the time of his enrolment or finding a substitute as aforesaid; and every such person who shall refuse or neglect so to serve, or find a substitute to serve, shall be liable to all the penalties, forfeitures, and provisions contained in any Act or Acts relating to the militia or such additional force for neglecting or refusing to serve or find a substitute: Provided always, that nothing herein contained shall extend or be construed to extend to deprive any such person who may, at the time of his being summoned to attend for the purpose of being enrolled or of finding a substitute to serve as aforesaid, be entitled to any other exemption from serving in the militia or other additional force as aforesaid from claiming and having the full benefit of such exemption.

This Act not to deprive such persons of any other exemptions they may be entitled to.

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XIX. PROVIDED also, and be it further enacted, that where any person who shall, on account of changing his place of residence to any other parish or district, quit any corps of yeomanry or volunteers in which he shall have been an effective member and entitled to exemption as such up to the time of his quitting the same, shall, within ten days after he shall quit such corps, enrol himself in any other corps of yeomanry or volunteers, every such person shall, upon producing to the commanding officer of the corps in which he shall have last enrolled himself a certificate of the number of days on which he shall have attended the musters and exercise of the corps which he has so quitted (which certificate the commanding officer thereof is hereby required to give), be entitled to the benefit of the number of days specified in such certificate, and shall and may, on completing the number of days of attendance at muster and exercise required by this Act in the corps in which he shall have last enrolled himself, be entitled to be returned and shall be returned as an effective member of such corps, and shall continue to be entitled to exemption as such in like manner as if he had, from the time of his enrolment in the corps which he shall have quitted, been an effective member of the corps in which he shall have last enrolled himself: Provided always, that if the corps in which such person shall have last enrolled himself and the corps which he shall have quitted shall not belong to the same subdivision, and such person shall at any time thereafter be chosen by ballot to serve in the militia or such additional force as aforesaid for the subdivision to which the corps in which he shall have last enrolled himself shall belong, such person shall no longer be liable to serve or to find a substitute to serve in the militia or such additional force for the subdivision to which the corps which he shall have quitted shall belong, although he may have been chosen by ballot to serve for such last-mentioned subdivision.

Effective members quitting one corps and enrolling themselves in another shall have the benefit of their attendance in the former corps, and continue exempt accordingly; and, if afterwards chosen by ballot to serve for the subdivision to which the latter corps belongs, shall be exempt from service for the subdivision to which the former corps belongs.

XX. AND be it further enacted, that every person enrolled in any corps of yeomanry or volunteers before the passing of this Act, who shall not have taken the oath of allegiance required by an Act of the last session of Parliament, and [Rep., Stat. Law Rev. Act, 1872.] every person who shall be enrolled in any such corps after the passing of this Act shall take the oath of allegiance to his Majesty; and such oath may and shall be administered . . . . . to all such persons as shall be enrolled in any such corps after the passing of this

Members to take the oath of allegiance.

Act, as soon as may be after their enrolment in such corps, by any deputy lieutenant or justice of the peace, or by any commissioned officer of such corps.

Adjutants, serjeant majors, and others, who receive constant pay, shall be subject to the Mutiny Act and Articles of War, and liable to be tried by courts-martial, composed of yeomanry or volunteer officers; but no punishment shall extend to life or limb, except on certain occasions.

XXI. AND be it further enacted, that such of the adjutants, serjeant majors, drill serjeants, and serjeants serving in any corps of yeomanry or volunteers as receive the constant pay of their rank therein, and all trumpeters, buglemen, and drummers serving in any such corps and receiving any pay as such therein from his Majesty or otherwise, either at any daily or weekly rate, and also all farriers, being attested and serving in any such corps and receiving any such pay therein, shall at all times be subject to any Act which shall be in force for punishing mutiny and desertion and for the better payment of the army and their quarters, and to the Articles of War established for the better government of his Majesty's forces, and shall be liable to be tried for any crime committed against such Act or Articles of War by any general or detachment or regimental court-martial, according to the nature and degree of the offence, in like manner and under the like regulations as adjutants, serjeant majors, serjeants, corporals, or drummers of his Majesty's militia forces: Provided always, that every such court-martial shall be composed wholly of officers of the yeomanry or volunteer establishment, and that no punishment awarded by such court-martial shall extend to life or limb, except when such corps are called out in cases of invasion or appearance of an enemy in force upon the coast.

In cases of invasion, &c. corps shall assemble and march according to the terms of their services, and members neglecting to do so shall be deemed deserters.

XXII. AND be it further enacted, that in all cases of actual invasion or appearance of any enemy in force on the coast of Great Britain, or of rebellion or insurrection arising or existing within the same on the appearance of any enemy in force on the coast or during any invasion, all corps of yeomanry and volunteers shall, whenever they shall be summoned by the lieutenants of the counties in which they shall be respectively formed, or their vice-lieutenants, or deputy lieutenants, or upon the making of any general signals of alarm, forthwith assemble within their respective districts, and shall be liable to march according to the terms and conditions of their respective services, whether the same shall extend to any part of Great Britain, or be limited to any district, county, city, town, or place therein; and all persons then enrolled in any such corps, not labouring under any infirmity incapacitating them from military service, and not holding a commission or serving in any of his Majesty's other forces or in any other such corps of yeomanry or volunteers and actually joining such corps, who shall refuse or neglect to join their respective corps and to assemble and march therewith upon any such summons or general signal of alarm as aforesaid, shall be deemed deserters, and shall be subject to punishment as such; and all such corps of yeomanry and volunteers, and all officers and non-commissioned officers, drummers, and private men therein shall, upon and from the time of such summons, or of such general signals of alarm being made as aforesaid, and until the enemy shall be defeated and expelled, and all rebellion or insurrection then existing within Great Britain shall be suppressed (the same to be signified by his Majesty's proclamation,), continue and be subject to all the provisions contained in any Act of Parliament then in force for the punishment of mutiny and desertion and for the better payment of the army and their quarters, and to any Articles of War made in pursuance thereof, in all cases whatever.

Such corps shall then be subject to the Mutiny Act and Articles of War;

as also shall corps voluntarily assem-

XXIII. AND be it further enacted, that whenever any corps of yeomanry or volunteers shall, with the approbation of his Majesty, signified through his

principal secretary of state, voluntarily assemble or march to do military duty upon any appearance of invasion, or for the purpose of improving themselves in military exercise, except in the case herein-after specified as to corps of yeomanry cavalry, or shall voluntarily march on being called upon in pursuance of any order from the lieutenant or sheriff of the county to act within the county or adjacent counties for the suppression of riots or tumults, all such corps of yeomanry or volunteers shall, in all such cases, from the time of so assembling or marching as aforesaid, and during the period of their remaining on such military duty or being engaged in such service as aforesaid, be subject to military discipline, and to all the provisions of any Act then in force for the punishment of mutiny and desertion and for the better payment of the army and their quarters, and to any Articles of War made in pursuance thereof.

bling or marching to do military duty, &c. except as herein-after specified.

XXIV. AND be it further enacted, that in all cases in which any corps are assembled or marched on any summons or general signal of alarm, or are voluntarily doing military duty as aforesaid, under any of the provisions of this Act, it shall be lawful for his Majesty to put such corps under the command of such general officers as his Majesty shall from time to time be pleased to appoint for that purpose, or as shall be then commanding in the districts in which such corps shall respectively be assembled, marched, or doing military duty: Provided always, that such corps shall be led by their respective officers under such command as aforesaid; and no person enrolled or serving in any such volunteer corps, so long as the service of such corps shall be continued by his Majesty, and as such person shall remain an effective member thereof, shall be liable to be placed in any regiment, battalion, or corps of regulars, militia, or fencibles, without his free consent first had and obtained.

His Majesty may put such corps under the command of such general officers as he shall appoint, but to be led by their respective officers; and no effective member shall be liable to be placed in any regiment of the other forces.

XXV. PROVIDED always, and be it further enacted, that no officer of any corps of yeomanry or volunteers shall sit on any court-martial upon the trial of any officer or soldier of his Majesty's other forces, nor shall any officer serving in any of his Majesty's other forces sit on any court-martial upon the trial of any officer, non-commissioned officer, drummer, trumpeter, or private man in any corps of yeomanry or volunteers.

No officer of yeomanry, &c. shall sit on the trial of any officer or soldier of the other forces or contrariwise.

XXVI. AND be it further enacted, that all officers in corps of yeomanry or volunteers, having commissions from his Majesty, or lieutenants of counties, or others who may be specially authorized by his Majesty for that purpose, shall rank with the officers of his Majesty's regular and militia forces as the youngest of their respective ranks.

Rank of officers in the yeomanry, &c.

XXVII. AND be it further enacted, that it shall be lawful for any commanding officer of any corps of yeomanry or volunteers, when not summoned or assembled upon actual service in case of invasion or appearance of the enemy in force upon the coast, to discharge any member of the corps under his command, not being a commissioned officer, for any disobedience of orders or breach of discipline while under arms, and also for any neglect of attendance and duty, or misconduct, or improper behaviour as a member of his corps, or for other sufficient cause, the existence and sufficiency of such several causes respectively being to be judged of by such commanding officer, and immediately to strike such person out of the muster roll of the corps to which he shall belong: Provided always, that every such person shall remain liable to all the provisions of this Act, as to compelling the payment of any subscriptions, or arrears of subscription, or fines and forfeitures, incurred before or at

Commanding officers of corps, when not on actual service, may discharge members, not being commissioned officers, for disobedience of orders, &c.

the time of such discharge, and as to the delivering up and restoring of arms, accoutrements, and clothing, as herein-after mentioned: Provided also, that nothing herein contained shall extend or be construed to extend to abrogate or affect any rules or regulations of any such corps which have been or may be approved by his Majesty, and which are or may be applicable to the discharge of any member of any corps when not summoned or assembled upon actual service: Provided also, that nothing herein contained shall be construed to extend to prevent his Majesty from signifying his pleasure in such manner, and giving directions with respect to any such case of discharge, or in respect to any rules and regulations with regard to any cases of discharge, as to his Majesty shall appear most just and proper.

Act not to affect any regulations as to discharge approved by his Majesty,

nor to prevent his Majesty from signifying his pleasure respecting discharges, &c.

XXVIII. PROVIDED always, and be it further enacted, that where the rules and regulations, approved or to be approved by his Majesty, of any such corps shall not provide for any such cases of misconduct, disobedience of orders, or breach of discipline while under arms, it shall be lawful for any commanding officer, in any such case of misconduct under arms as aforesaid, to disallow to the person so misconducting himself the day on which he shall have so misconducted himself, as a day of attendance, for the purpose of entitling him to any exemption under the provisions of this Act, and to direct that he shall forfeit one day's pay, in cases where any pay is allowed, or either to disallow any such day of attendance, or to direct the forfeiture of one day's pay, as such commanding officer shall in his discretion think fit; and which pay such person so misconducting himself shall forfeit accordingly.

Where such regulations shall not provide for any case of misconduct under arms, the commanding officer may disallow the day on which the party misconducted himself as a day of attendance, &c.

XXIX. AND be it further enacted, that from and after the passing of this Act every person who shall not, during the times of training and exercise, or of his being under arms, or wearing the clothing or accoutrements of the corps, and going to any place of exercise or assembly of the corps, conduct himself in a decent and orderly manner, or shall not obey the lawful command of the officer or officers commanding, may be ordered by such officer into the custody of any person or persons belonging to such corps for the time during which such corps shall then remain under arms.

Persons misconducting themselves during exercise, &c. may be ordered into custody.

XXX. AND whereas doubts have arisen as to the right of persons enrolled in corps of yeomanry or volunteers to withdraw themselves from or quit the same, and it is expedient that such doubts should be removed: For remedy whereof be it therefore declared and enacted, that from and after the passing of this Act it shall be lawful for any person enrolled in any corps of yeomanry or volunteers at any time (except when summoned, or assembled upon actual service, in case of actual invasion or appearance of the enemy in force upon the coast, or voluntarily assembled for the purpose of doing military duty, under any of the provisions or in any of the cases specified in this Act,) to quit such corps; and such person shall accordingly be struck out of the muster roll of such corps in the manner and under the conditions herein-after mentioned.

Members may quit their corps, except when called out in case of invasion, &c.;

XXXI. PROVIDED always, and be it further enacted, that from and after the passing of this Act no such person shall be entitled to quit any such corps without giving fourteen days notice in writing of such his intention to the commanding officer thereof, nor until he shall have delivered up to such commanding officer, or to some person appointed by him to receive the same, all arms, accoutrements, clothing, and appointments that shall have been furnished

but not without notice of intention to quit, nor till arms, &c. shall have been delivered up and all subscriptions, &c. paid.

to him at the public expense, or by any other person, or at the charge of any subscription for furnishing such articles, in good order and condition (reasonable wear and tear only excepted), and shall have paid all subscriptions and arrears of subscriptions, and also all fines and penalties incurred by him, under any of the rules and regulations of his corps, either before or at the time of or by reason of his quitting such corps: Provided always, that if any person enrolled in any corps of yeomanry or volunteers, other than and except the persons herein-before mentioned as receiving the constant pay of their rank, shall at any time hereafter enlist in any of his Majesty's forces, or shall enrol himself as a substitute or volunteer in the militia or any such additional force as aforesaid, every such person shall, immediately after such enlisting or enrolment, be considered as discharged to all intents and purposes from such corps of yeomanry or volunteers; and the commanding officer of such corps of yeomanry or volunteers shall, upon such enlisting or enrolment being duly notified to him, and upon receiving back from such person the arms, accoutrements, clothing, and appointments of such person, in the manner before mentioned, strike the name of such person out of the muster roll of such corps of yeomanry or volunteers, and shall specially certify the same in the next return to be made under the provisions of this Act.

Members not receiving constant pay who enlist in his Majesty's forces, &c. shall be considered as discharged.

XXXII. PROVIDED also, and be it further enacted, that every person who shall quit any corps of yeomanry or volunteers, or be discharged therefrom for non-attendance or any misconduct or misbehaviour as aforesaid, shall immediately thereupon, unless otherwise exempted, become liable to serve, if he shall have before been chosen or shall thereafter be chosen by ballot, in the militia or such additional force as aforesaid, ... and the commanding officer of every such corps shall forthwith certify the quitting or discharge of such person to the clerk of the general meetings of the county in which such corps shall be formed, ...

Persons quitting their corps or discharged for misconduct shall become liable to serve in the militia, &c.; and such quitting or discharge shall be certified by the commanding officer to the clerk of the general meetings.

XXXIII. PROVIDED also, and be it further enacted, that it shall be lawful for any person who may have given notice in writing to the commanding officer of his corps of his intention to resign, and who may think himself aggrieved by reason of any such commanding officer refusing to strike his name out of any such muster roll, on account of any subscription or arrears of subscription, or any fines, penalties, or forfeitures not having been paid, or of any arms, accoutrements, clothing, or appointments not having been delivered up, or not having been delivered up in good state and condition, or on any other account whatsoever, to appeal to any two deputy lieutenants of the subdivision in which such corps shall have been formed, or of any adjoining subdivision, or to any one deputy lieutenant and one justice of the peace acting within any such subdivision (not being members of such corps); and it shall be lawful for such deputy lieutenants and justices of the peace aforesaid to hear and determine such appeal, and to examine any person or persons thereon, upon oath (which oath such deputy lieutenants and justices of the peace aforesaid respectively are hereby authorized to administer), and to discharge such person from such corps, if they shall think, under all the circumstances, that such person hath complied with the provisions of this Act, and to order the commanding officer forthwith to strike such person out of the muster roll of such corps, or to order and direct the payment of any such sum of money as may appear to them ought to be paid by such person, in respect of

Persons thinking themselves aggrieved by commanding officer refusing to strike their names out of the muster rolls may appeal to two deputy lieutenants, or one and a justice, who may determine the same.

any such subscription or arrears, or fines, penalties, or forfeitures as aforesaid, or to order and direct the delivery of any arms, accoutrements, clothing, or appointments, or the payment of any such sum of money as shall appear to them to be reasonable for any loss of arms, accoutrements, clothing, or appointments, or any damage that may have been done thereto before such discharge; and all such sums of money shall and may be levied, recovered, and applied in like manner as any like fines, penalties, forfeitures, or sums of money may be recovered and applied; and the determination of such deputy lieutenants and justices of the peace aforesaid shall be final and conclusive to all intents and purposes whatever.

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When corps are assembled on summons of a lieutenant, &c. the receiver general of the taxes in England and the collector of the cess in Scotland shall pay to the captain of each troop or company two guineas for each man; and when corps are voluntarily assembled, the Treasury may order a guinea for each man to be paid in like manner.

[XXXVI.[a]] AND be it further enacted, that when any corps of yeomanry or volunteers shall have assembled on any summons of any lieutenant of the county in which they shall be respectively formed, or his vice-lieutenant or deputy lieutenants, or upon the making any general signal of alarm as aforesaid, the receiver general of the rates and duties under the management of the commissioners for the affairs of taxes for the county, riding, or place, if in England, and the collector of the cess of the county, if in Scotland, to which such corps shall belong, shall and is hereby required to pay to the captain or other commanding officer of any troop or company of such corps the sum of two guineas for the use of every volunteer in such troop or company who shall so assemble; and whenever any such corps shall hereafter voluntarily assemble to do military duty upon any appearance of invasion or for the purpose of improving themselves in military exercise under the provisions of this Act, it shall be lawful for the commissioners of his Majesty's Treasury to order and direct that any sum, not exceeding one guinea for every volunteer who shall so assemble, shall be paid to the captain or other commanding officer of every troop or company of such corps; and such sum, not exceeding one guinea, shall upon every such order be paid by every such receiver general or collector aforesaid to the captain or commanding officer of each troop or company as aforesaid; and the money so received in any of the cases aforesaid by any captain or other commanding officer, or so much thereof as such captain or other commanding officer shall think necessary, shall be laid out in providing necessaries for each such volunteer; and such captain or commanding officer shall, within one month after the receipt of such money, account to the several persons for whose use the same shall have been received, how the same hath been applied or disposed of, and shall at the time of settling such account pay the remainder, if any, to the persons entitled thereto; . . . . . Provided always, that nothing herein contained shall extend to authorize the captain of any such troop or company to demand, draw for, or receive any such sum, or any part thereof, for the use of any person or persons serving therein who shall not desire to be entitled to the benefit thereof.

Captains to lay out money in necessaries and account to the men;

and not to draw any money for the use of men not desiring it.

Yeomanry, &c. when assembled on inva-

XXXVII. AND be it further enacted, that all persons enrolled in any corps of yeomanry or volunteers, when assembled as aforesaid on any invasion, or

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[a] So much as directs that the sums mentioned in this section shall be issued by the receivers general of the taxes, if in England, and by the collectors of the cess, if in Scotland, rep., 7 Geo. 4. c. 58. s. 4.]

appearance of the enemy in force on the coast, or for the suppression of rebellion or insurrection, or when voluntarily assembled and doing military duty with the approbation of his Majesty, under any of the provisions of this Act, shall be entitled to and shall receive pay during the periods of their so remaining assembled as aforesaid, in such manner, and after such rates, according to their respective ranks and situations in such corps, and be entitled to be quartered and billeted, in like manner in every respect and under and subject to the same regulations, as the officers, non-commissioned officers, drummers, and private men of his Majesty's other forces, as far as the same shall by his Majesty be deemed applicable to yeomanry and volunteer corps.

sion, &c. to receive pay and be billeted as the other forces;

XXXVIII. AND be it further enacted, that whenever any corps of yeomanry or volunteers shall be so assembled or marched as aforesaid on any invasion or appearance of an enemy in force upon the coast, or in case of any rebellion or insurrection arising or existing as aforesaid, or of riots or tumults, or for the purpose of voluntarily doing military duty under any of the provisions of this Act, all persons enrolled therein who shall join on such assembling and marching as aforesaid, and who shall leave families unable to support themselves, shall, during the period of their absence or service on military duty as aforesaid, be entitled to such and the like relief for their wives and families, and under such and the like circumstances, as are mentioned in two several Acts passed in the last session of Parliament for providing relief for the families of militia men in England and Scotland respectively when called out into actual service; and for that purpose all the rules, regulations, provisions, powers, authorities, penalties, and forfeitures in the said last-mentioned Acts respectively contained shall extend and be construed to extend to the giving such relief as aforesaid, as fully and effectually as if the same were herein enacted: Provided always, that all sums of money which shall be advanced and paid to the wives and families of such men in England under any order for that purpose shall, upon delivery of a quarterly account of the payment thereof, certified and signed by two justices of the peace of the county in which such relief shall be given, be repaid to the overseer or overseers or parish officer or officers who shall have advanced the same by the receiver general of such county out of any public money in his hands, and shall be allowed in the account of such receiver general: Provided also, that no assessment shall be made to make good the amount of any sums paid for such relief to such wives and families in Scotland under this Act, in the manner directed by such last-mentioned Act relative to Scotland, to make good the sums paid to the wives and families of militia men pursuant thereto.

and their families shall be entitled to the same relief as the families of militia men.

43 Geo. 3. c. 47.
43 Geo. 3. c. 89.

Monies advanced to such families in England to be repaid to the overseers by the receiver general of the county.

No assessment to be made in Scotland for repayment of such money.

XXXIX. AND be it further enacted, that after the defeat and expulsion of the enemy from Great Britain, and suppression of any such rebellion or insurrection, to be notified as aforesaid, all corps of yeomanry or volunteers, which shall have been assembled and marched out of their respective counties, shall forthwith be returned to their respective counties; and the sum of one guinea shall be paid, under the direction of any general or other superior officer under whose command such corps shall then happen to be, to every such person therein so permitted to return home as aforesaid, who shall be willing to receive the same, over and above the usual rate of pay to which such person shall be entitled, in order the better to enable him to return to his parish.

After defeat of the enemy, &c. the corps shall be returned to their respective counties, and a guinea paid to each man willing to receive it.

Commissioned officers disabled in service to be entitled to half pay, and non-commissioned officers and privates to Chelsea Hospital; and widows of officers killed to pensions for life.

XL. AND be it further enacted, that all commissioned officers of corps of yeomanry or volunteers who shall be disabled in actual service shall be entitled to half pay, according to their ranks; and all non-commissioned officers, drummers, and private men of any corps of yeomanry or volunteers, so disabled, shall be entitled to the benefit of Chelsea Hospital; and the widows of all such commissioned officers killed in service shall be entitled to receive such pensions for life as are given to widows of officers in his Majesty's regular forces.

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Commanding officers may appoint places for depositing arms and accoutrements, and persons to take care of them; and the deputy lieutenants shall view them, and the expenses shall be paid in England by the receiver general of the county;

XLII. AND be it further enacted, that it shall be lawful for the commanding officer of any corps receiving arms and accoutrements supplied at the public expense, or by subscription, to appoint a proper place in the parish or place in which his corps shall be formed, or in each of the different parishes or places, if more companies than one are formed in different parishes and united in one corps, as the case may require and as may seem expedient for the depositing and safe keeping of the arms and accoutrements of his corps, and also to appoint proper persons to repair and keep such arms in good state and condition; and it shall be lawful for any two or more deputy lieutenants of the subdivision in which any such parish or parishes shall be, and once in every year at the least, to view such arms and accoutrements for the purpose of ascertaining the state and condition thereof; and all reasonable expenses which shall or may be incurred in placing and keeping such arms and accoutrements, and in maintaining them clean and in proper repair, order, and condition, if approved of under the hands of two deputy lieutenants or one deputy lieutenant and one justice of the peace of the subdivision in which such arms and accoutrements shall be deposited, shall, on delivery to the receiver general, if in England, of the county in which such arms shall be deposited, of a quarterly, half-yearly, or yearly account thereof, signed and approved by any two deputy lieutenants or one deputy lieutenant and one justice of the peace as aforesaid, together with the certificate of the commanding officer of the corps or captain of the company to which such arms shall belong, that the arms are in good repair, state, order, and condition, be paid by such receiver general as aforesaid out of any public monies in his hands, and shall be allowed in the account of such receiver general as aforesaid: Provided always, that no expense to be incurred as aforesaid shall exceed in amount such sum as his Majesty shall be pleased to authorize and direct by any order to be communicated through his Majesty's principal secretary of state to the lieutenant or deputy lieutenants of the county.

but no expense shall exceed the sum authorized by his Majesty.

Accounts of such expenses in Scotland shall be transmitted to the barons of the Exchequer there, who may restrict the amount and grant warrant for payment.

XLIII. PROVIDED also, and be it enacted, that in Scotland the accounts of all such expenses relative to the placing and keeping such arms and accoutrements, and maintaining them clean and in proper repair, order, and condition, certified in the manner above directed, shall be transmitted to the lord chief baron and barons of the Court of Exchequer in Scotland, who are hereby empowered to restrict the amount to such sum as they shall think reasonable, not exceeding such sum as his Majesty shall have been pleased to authorize and direct in manner aforesaid, and to grant warrant for payment thereof out of the revenues of the land tax, assessed taxes, or consolidated duties of customs or excise, or any of them, which they shall think most proper to apply for this purpose.

Arms to be marked.

XLIV. AND be it further enacted, that all arms delivered out of the public stores or furnished at the public expense for the use of any corps of yeomanry or volunteers shall be marked distinctly in some visible place with the letter V. and the initial of the county to which such corps shall belong; and in case any man shall sell, pawn, or lose any arms, accoutrements, clothing, or ammunition delivered to him, or shall wilfully damage any such arms or accoutrements, every such man shall for every such offence forfeit and pay a sum not exceeding forty shillings; and if such man shall not immediately pay such penalty it shall be lawful for any justice of the peace residing in or near the place where the offence shall be committed to take cognizance of the same, and to commit such person as shall be convicted of such offence before him to the next gaol or house of correction, to be kept to hard labour for any time not exceeding one week, or until he shall have paid the said penalty.

Penalty for selling or damaging arms, accoutrements, &c.

If penalty be not paid, the offender may be committed.

Penalty for buying arms, accoutrements, &c.

XLV. AND be it further enacted, that if any person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any arms, accoutrements, or clothing, or any public stores or ammunition delivered for the use of any corps of yeomanry or volunteers, the person so offending shall forfeit and pay for every such offence the sum of ten pounds; and if such offender shall not immediately pay such penalty, and shall not have sufficient goods and chattels whereon to levy such penalty by distress in the manner hereinafter mentioned, any such justice of the peace as aforesaid before whom he or she shall be convicted shall commit him or her to such common gaol or house of correction, there to remain without bail or mainprise for the space of three months, or until he or she shall have paid the said fine.

If penalty be not paid or levied by distress, the offender may be committed.

When corps of yeomanry, &c. shall be desirous of assembling under the command of their own officers, the lieutenant, with the approbation of his Majesty, may make an order for that purpose, and an order to any justice of the county, who shall issue his precept for billeting the non-commissioned officers and privates as his Majesty's forces may be billeted; but corps so assembled shall not be subject to the Mutiny Act, &c.

XLVI. AND be it further enacted, that whenever the persons enrolled in any corps of yeomanry or volunteer cavalry, whether any infantry be attached to such corps or not, or the majority of them, when not summoned upon actual service, or voluntarily assembled for the purpose of doing military duty, and subjected to military discipline, under the provisions of this Act as aforesaid, shall, through their commanding officer, signify in writing to the lieutenant of the county wherein such corps shall be raised, or, in case of vacancy or in the absence of the lieutenant, to the vice-lieutenant or deputy lieutenants executing the office of the lieutenant, their desire to assemble under the command of their own officers at any convenient place or places within the same county, for the purpose of being trained and exercised for any space of time not exceeding in the whole fourteen days, either successively or at intervals within the space of twelve months, and either in separate corps or together with any other corps of yeomanry or volunteer cavalry who shall also have signified their desire of assembling for that purpose in like manner, or with any regiment, troop, or troops of his Majesty's regular forces of cavalry, in case his Majesty shall think proper to give directions to such of his forces for that purpose, it shall be lawful for such lieutenant, vice-lieutenant, or deputy lieutenants respectively, in pursuance of the desire of any such corps of yeomanry or volunteer cavalry, to be signified in manner aforesaid, and with the approbation of his Majesty signified by his principal secretary of state, to make an order for assembling such yeomanry or volunteer cavalry, and likewise to direct an order to any justice of the peace of the county where such corps of yeomanry or volunteer cavalry shall be appointed to assemble,

specifying the place or places at which and the time or times during which such corps of yeomanry or volunteer cavalry are to continue so assembled under the authority of this Act; and the justice of the peace to whom such order shall be directed shall issue his precept to the constable, headborough, tythingman, or other peace officer of the place where such corps are to be assembled, for quartering and billeting the non-commissioned officers, trumpeters or buglemen, and privates of such corps, upon such persons, and in such houses, situate in or near the place or places specified in such order, as his Majesty's forces may by law be quartered and billeted upon; and from and after the receipt of such precept it shall be lawful for such constable, headborough, tythingman, or other proper officer as aforesaid, and he is hereby required to billet the non-commissioned officers, trumpeters or buglemen, and private men of such corps of yeomanry or volunteer cavalry in or near such place or places as aforesaid, and in such manner as any of his Majesty's other forces may by law be quartered and billeted therein as aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend to subject any such corps to the provisions of any Act then in force for the punishment of mutiny and desertion, or any Articles of War made in pursuance thereof, by reason of any such assembling for the purpose of being trained and exercised for any space of time not exceeding fourteen days as aforesaid.

Acts for billeting his Majesty's forces to extend to yeomanry, &c. billeted under this Act.

XLVII. AND be it further enacted, that in all cases, and during the times in which any corps of yeomanry or volunteer cavalry shall be quartered and billeted in pursuance of the provisions of this Act, all and every the powers, provisions, rules, penalties, matters, and things provided and established by any Act or Acts now or hereafter to be in force for quartering and billeting his Majesty's forces shall be used and put in practice for quartering and billeting such corps of yeomanry or volunteer cavalry, as fully and effectually as if all and every the said powers, provisions, rules, penalties, matters, and things had been specially enacted in the body of this Act, so far as the same shall by his Majesty be deemed applicable to corps of yeomanry or volunteer cavalry.

When the lieutenant, &c. shall have fixed the day and place of exercise for any such corps, he shall certify certain particulars to the secretary at war, who shall order pay, &c. to be issued.

XLVIII. AND be it further enacted, that whenever the lieutenant or deputy lieutenants acting as aforesaid of any county shall have fixed the day and place of exercise for any such corps of yeomanry or volunteer cavalry, he or they shall as soon as may be certify the same to the secretary at war or his deputy, specifying the number of men and the number of days appointed for exercising them, not exceeding in the whole fourteen days; and the secretary at war or his deputy is hereby required, within fourteen days after the receipt of such certificate, to cause to be issued and paid to the officer having the command of each corps at the rate of two shillings per day for each volunteer of yeomanry or of volunteer cavalry who shall attend the place of exercise, and one shilling and fourpence per day for each horse, mare, or gelding belonging to such corps, and used in exercise on that day.

Commanding officer shall make up an account in the following form;

XLIX. AND be it further enacted, that the officer having the command of such corps of yeomanry or volunteer cavalry shall make up an account of all the monies received and paid by him on account of such exercise in the following form:

County of		Dr. £	s.	d.	per Contra	Cr. £	s.	d.
To cash received for days pay of	men				Paid yeomanry men, for their attendance at the place of exercise on the days appointed, being days pay - - - - -			
To ditto for days allowance for	horses				Paid allowance for horses, used in exercise for days			

Which account shall be signed by the officer having the command of such corps; and such officer shall, within ten days after the time such exercise is finished, deliver such account, and pay the balance, if there be any due, to such person as the secretary-at-war or his deputy shall order and direct.

and shall deliver it and pay the balance (if any) to such person as the secretary at war shall appoint.

L. AND be it further enacted, that all money subscribed by or for the use of any corps of yeomanry or volunteers, and all arms, stores, ammunition, drums, fifes, or musical instruments, or other articles of whatever kind or sort the same may be belonging to any such corps, or used by any such corps, not being the property of any particular individual of such corps, shall be and the same are hereby declared to be vested in the commanding officer thereof for all purposes of indictment, action, or suit, criminal or civil, in law or equity, and shall for such purpose be deemed and taken to be the property of such commanding officer, and shall and may be laid so to be in any indictment, or may be sued for and recovered as such, or may be stated to be such in any action or suit relating thereto; and no indictment, suit, action, or prosecution shall be discontinued or abated by the death, resignation, or removal of any such commanding officer, but the same may be proceeded in by the succeeding commanding officer, or the commanding officer for the time being, any law, custom, or usage to the contrary notwithstanding.

Subscriptions, arms, &c. vested in the commanding officer.

LI. AND be it further enacted, that where any person enrolled in any corps of yeomanry or volunteers shall neglect or refuse, on demand made for that purpose, to pay any sum or sums of money subscribed or required by any rules or regulations of such corps to be subscribed by him towards any expenses thereof, or to pay any fines or penalties incurred under any of the rules or regulations thereof, then and in such case it shall be lawful for any justice of the peace residing in or near to the place where such corps shall be, on application made for that purpose by any commanding or field officer, or adjutant or serjeant major under any order of the commanding officer of any such corps, and proof thereof, to direct double the amount thereof to be paid as a penalty or forfeiture; and if such person shall refuse or neglect to pay the same for the space of seven days, then to cause the same to be levied by distress and sale of the defaulter's goods and chattels, by warrant under his hand and seal, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to the persons whose goods and chattels shall have been so distrained and sold; and the sums so levied shall go to the general stock of such corps to be applied in the general expenses thereof, in like manner as any subscription or sum of money received by or for such corps may be applied,

If subscriptions or fines be not paid, a justice may direct double the amount to be paid, which may be levied by distress.

Application of the money.

or, where there shall be no such subscription or stock of such corps, then to any such purposes relating to such corps as the commanding officer thereof may think fit: Provided always, that it shall be lawful for such justice of peace to mitigate any accumulated fines or penalties in such amount as he shall in his discretion think fit, having regard to the circumstances and situation of the party incurring the same; but so as that the amount of such mitigated fines or penalties shall not be less than one half of the full amount of such accumulated fines and penalties.

Justice may mitigate penalties.

LII. AND be it further enacted, that every person who shall have received or may have in his custody, power, or possession, or shall hereafter receive or have in his custody, power, or possession, any arms, accoutrements, clothing, ammunition, or stores, or drums, fifes, or musical instruments, or other articles aforesaid, heretofore or that may hereafter be furnished from the public stores, or at the public expense, or at the expense or charge of any subscription for providing such articles, or of any person or persons, and who shall refuse or neglect on being required by the commanding officer for the time being, or by his direction, to deliver up any such arms, accoutrements, clothing, ammunition, or stores, or drums, fifes, or musical instruments, or other articles aforesaid, shall, on being convicted thereof before any justice of the peace of the county within which such arms, accoutrements, clothing, ammunition, or stores shall be, forfeit and pay the sum of ten pounds for every such offence, and double the value of the arms, accoutrements, clothing, ammunition, or stores so detained as aforesaid, to be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of such sufficient distress such justice is hereby required to commit such offender to the common gaol of the county, riding, or place where the offence shall have been committed, for any time not exceeding two months; and the monies arising by such penalty shall go and be applied to the use of his Majesty, his heirs and successors.

Persons refusing to deliver up arms, &c. shall be liable to a penalty, which may be levied by distress; and for want of distress the offender may be committed.

Application of penalty.

LIII. AND be it further enacted, that all sums of money paid by any receiver general in pursuance of this Act, and returned into and allowed in the receipt of his Majesty's Exchequer, shall be replaced to such accounts as the same were by law applicable out of the first aids and supplies which shall be thereafter granted to his Majesty by Parliament.

Money paid by receiver general to be replaced out of the first aids thereafter granted.

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LVI. AND be it further enacted, that from and after the passing of this Act no future rules or regulations shall be valid or binding on any corps of yeomanry or volunteers, or for any purposes of this Act, or for any other purpose, unless the commanding officer of such corps shall think fit to transmit the same to the lieutenant or vice-lieutenant of the county in which such corps shall have been or shall be formed, and unless the said lieutenant or vice-lieutenant of the county shall think proper to submit the same to his Majesty's principal secretary of state; and such rules and regulations so transmitted and submitted shall, if not disallowed by his Majesty within twenty-eight days after the receipt thereof by his Majesty's principal secretary of state, be considered as approved and confirmed; and the lieutenant or vice-lieutenant of the county shall signify such approbation and confirmation to

No future rules or regulations to be valid unless submitted to the principal secretary of state.

the said commanding officer, to be forthwith communicated by him to his corps; and the rules and regulations so transmitted, submitted, confirmed, and communicated shall be binding and valid for the purposes of this Act, or for any other purpose regarding the services and good conduct of such corps.

His Majesty may annul any rules or regulations.

LVII. PROVIDED, that nothing in this Act contained shall extend or be construed to extend to prevent his Majesty from annulling at any time any rules or regulations which may have been or shall be made respecting any corps of volunteers.

Acceptance of commissions not to vacate seats in Parliament.

LVIII. AND be it further declared and enacted, that no person who has accepted or shall hereafter accept of a commission in any corps of yeomanry or volunteers in Great Britain or Ireland shall be deemed in respect thereof to have vacated or to vacate his seat as a member returned to serve in Parliament.

Returns, &c., in the form prescribed, or of a similar import, to be held valid.

LIX. AND be it further enacted, that the several forms of returns, certificates, and schedules hereunto annexed shall be deemed respectively valid and effectual for the several purposes of this Act to which they apply; but that if from any variation of circumstances or other reason the said forms should not be strictly adhered to, instruments of a similar import shall nevertheless be admitted and received, and be held in like manner valid and effectual.

Provisions relating to counties shall extend to stewartries, ridings, &c.; and provisions relating to corps shall extend to independent troops and companies.

LX. AND be it further enacted, that all provisions, directions, clauses, matters, and things whatever in this Act contained, relating to counties, shall extend and be construed to extend to all stewartries, ridings, divisions, cities, and places in Great Britain; and all provisions, directions, clauses, matters, and things whatever in this Act contained, relating to corps of yeomanry or volunteers, shall extend to and be construed and deemed to extend to all independent troops of yeomanry or volunteer cavalry and companies of infantry, as fully and amply as if they were severally and respectively repeated in every such provision, direction, and clause, and with relation to every such matter and thing.

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SCHEDULE (A.)

To A.B., his Majesty's lieutenant for the of

MUSTER ROLL of the persons enrolled and serving in the of commanded by

Effectives (and, if entitled to exemption, say) entitled to Exemption.				Effective Supernumeraries (if any) not entitled to Exemptions.				Non-Effectives.			
No.	Parish.	Name.	When enrolled.	No.	Parish.	Name.	When enrolled.	No.	Parish.	Name.	When enrolled.
1.	A.	A. B.									
2.		C. D.									
3.		E. F.									
4.		G. H.									
5.				Effective Members entitled to Exemptions, absent on Leave.							
6.											
7.											
8.				No.	Parish.	Name.	When enrolled.				
9.	B.	L. M.									
10.		N. O.									
11.		P. Q.									
12.											
13.											

N.B. Discharged or quitted since the date of the last muster roll:

Establishment allowed -

A.B.
C.D., &c.

Supernumeraries allowed -

Total number -

Total number in the corps exempt under this Act from serving in the militia or other additional force -

D°. not exempt from serving in the militia or other additional force -

Total number of men enrolled in the corps

I DO hereby certify that the above corps [or company, as the case may be,] was inspected on the day of by or has been ready and willing to be inspected in the last four months.

Signed, A.B.,
Commanding Officer.

C.D.,
Adjutant or Serjeant Major.

SCHEDULE (B.)

I K.L., commanding officer of the do hereby certify upon my honour, in pursuance of an Act of Parliament passed in the forty-fourth year of his present Majesty's reign, intituled "An Act" [here insert the title of this Act], that I have not, to the best of my knowledge and belief, inserted or caused to be inserted in the above muster roll, as an effective man, the name of any person who has not duly attended, properly armed and accoutred, and mounted [if cavalry] [if arms and accoutrements have been supplied] at the muster and exercise of the said corps [or company, as the case may be], as required by the said Act, and who has not taken the oath of allegiance, or been absent on leave given in pursuance of the said Act, or prevented by actual sickness, as has been certified to me by a medical practitioner, or as has been otherwise proved to my satisfaction, and who is not an effective man.

Signed, K.L.,
Commanding Officer.

Dated the

[If arms, accoutrements, or clothing have not been received, such circumstance must be specially certified.]

SCHEDULE (C.)

To A.B., his Majesty's lieutenant for the of

I K.L., commanding officer of the of yeomanry or infantry [as the case may be], serving in the county of or city of [as the case may be], do hereby certify that C.D. of [his description and parish] is an effective member of the said corps or company [as the

case may be] within the provisions of an Act passed in the forty-fourth year of the reign of his present Majesty.

Signed, K.L.,
Commanding Officer.

Dated the

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SCHEDULE (E.)

FORM OF CERTIFICATE.

Commanding Officer of the

I DO hereby certify, in pursuance of an Act passed in the forty-fourth year of the reign of his present Majesty, intituled "An Act" [here insert the title of the Act], that the several persons herein named and described are severally enrolled and serving in the said corps as effective members thereof, and were effective members up to and on the fifth day of April preceding the date of this certificate.

Signed,
Commanding Officer.

Dated the day of

CHAPTER LXXVII.

AN ACT to render valid certain Marriages solemnized in certain Churches and publick Chapels in which Banns had not usually been published before or at the Time of passing an Act made in the twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled "An Act "for the better preventing of clandestine Marriages."

[14th July 1804.]

WHEREAS, since the making of an Act passed in the twenty-sixth year of the reign of his late Majesty King George the Second, intituled "An "Act for the better preventing of clandestine marriages," and also of an Act passed in the twenty-first year of the reign of his present Majesty, intituled "An Act to render valid certain marriages solemnized in certain churches and "publick chapels in which banns had not usually been published before or at "the time of passing an Act made in the twenty-sixth year of King George "the Second, intituled 'An Act for the better preventing of clandestine "'marriages,'" divers churches and chapels have been erected and built within that part of Great Britain called England, Wales, and town of Berwick-upon-Tweed, which have been duly consecrated, and divers marriages have been solemnized therein since the passing of the said last-mentioned Act; but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first-mentioned Act such marriages have been or may be deemed to be void: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled,

26 Geo. 2. c. 33.

21 Geo. 3. c. 53.

Marriages solemnized in chapels, &c. before March 25, 1805, shall be valid.

and by the authority of the same, that all marriages already solemnized or to be solemnized before the twenty-fifth day of March one thousand eight hundred and five in any church or publick chapel in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, erected since the making of the said Act of the twenty-sixth year of the reign of his late Majesty King George the Second, and consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches, or publick chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said last-mentioned Act.

Ministers who have solemnized such marriages shall be indemnified.

II. AND be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who, before the said twenty-fifth day of March one thousand eight hundred and five, shall have solemnized any of the marriages which are hereby enacted to be valid in law, shall be and they are hereby indemnified against the penalties inflicted by the said Act of the twenty-fifth year of the reign of his said late Majesty King George the Second, upon persons who shall solemnize marriages in any other place than a church or publick chapel in which banns had been usually published before or at the time of passing the said last-mentioned Act.

Registers of such marriages to be received as evidence.

III. AND be it further enacted by the authority aforesaid, that the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof, shall be received in all courts of law and equity as evidence of such marriages, in the same manner as the registers of such marriages solemnized in parish churches or publick chapels in which banns were usually published before or at the time of passing the said Act of the twenty-sixth year of the reign of his said late Majesty King George the Second, or copies thereof, are received in evidence: Provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies in evidence, as would have been available to the receiving the same as evidence, if such registers or copies had related to marriages mentioned in such last-mentioned parish churches or publick chapels as aforesaid.

Registers of marriages solemnized in chapels to be removed to the parish churches adjoining.

IV. AND be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any publick chapels, which are hereby enacted to be valid in law, shall, within fourteen days next after the said twenty-fifth day of March one thousand eight hundred and five, be removed to the parish church of the parish in which such chapel shall be situated, and in case such chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said Act of the twenty-sixth year of the reign of his said late Majesty King George the Second.

CHAPTER XCIV.

AN ACT to explain an Act of the present Session of Parliament for consolidating and amending the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain, so far as respects the accounting for Monies received by Volunteer Officers.[a]

[28th July 1804.]

WHEREAS by an Act passed in the present session of Parliament, intituled "An Act to consolidate and amend the provisions of the several Acts "relating to corps of yeomanry and volunteers in Great Britain, and to make "further regulations relating thereto," certain sums of money are directed to be paid to the commanding or other officers of or persons belonging to corps or troops or companies of yeomanry and volunteers in the several cases in the said Act specified, to be by such officers or other persons paid, applied, and accounted for, in the manner and for the purposes therein directed: Now, be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no officer or other person belonging to any corps or troop or company of yeomanry or volunteers shall be deemed a publick accountant or sub-accountant, by reason of any monies which have been issued or shall be issued to or received by him by virtue of the said recited Act.

Recital of 44 Geo. 3. c. 54.

Officers, &c. shall not be deemed publick accountants on account of money received under recited Act.

CHAPTER XCVIII.

AN ACT to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof.[b]

[28th July 1804.]

Most gracious Sovereign,

WHEREAS the several rates and duties upon stamped vellum, parchment, and paper, and upon other articles and things under the care of the commissioners for managing the said duties are become very numerous, intricate, and complicated, and it will tend to give facility to business and contribute materially to the public benefit to consolidate and simplify the same: . . . . . .

II. AND whereas the commons of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray the expenses of the just and necessary war in which your Majesty is engaged, have resolved to grant to your Majesty several new and additional and other duties on stamped vellum, parchment, and paper, and upon other articles and things under the management of the commissioners of the stamp duties; and do therefore most humbly beseech your Majesty that it may be enacted, and be it therefore

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[a] Rep., so far as relates to volunteers in Great Britain, 26 & 27 Vict. c. 65. s. 51.

[b] The sections and schedules here printed are rep., Stat. Law Rev. Act, 1872, except so far as they relate to the duties on medicines and on licences for vending the same, but excluding from the exception the said sections so far as they relate to the allowances in schedule (C.).

From Oct. 10, 1804, the duties and drawbacks in the annexed schedules shall be paid and allowed.

enacted, that from and after the said tenth day of October one thousand eight hundred and four, in lieu and instead of the said duties respectively by this Act repealed, there shall be raised, levied, collected, and paid in England unto his Majesty, his heirs and successors, for and in respect of the several instruments, articles, matters, and things mentioned, enumerated, and described in the schedules marked (A.) and (B.) hereunto annexed, the several sums of money and duties as they are respectively inserted, described, and set forth in the column of the said schedules marked (A.) and (B.), intituled "England"; and that there shall be raised, levied, collected, and paid in like manner in Scotland the several sums of money and duties as they are respectively inserted, described, and set forth in the column of the said schedules marked (A.) and (B.), intituled "Scotland"; and that there shall be made, allowed, and paid, for or in respect of all such articles, matters, or things as are inserted, enumerated, and described in the schedule marked (C.) hereunto annexed, the several allowances, drawbacks, or sums of money as the same are respectively inserted, described, and set forth in the said schedule marked (C.).

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Such duties and drawbacks shall be paid and allowed as former duties and drawbacks, and provisions and penalties of former Acts shall extend to this Act, except as hereby altered.

VIII. AND be it further enacted, that the said several sums of money respectively inserted, described, and set forth in the said schedules marked (A.) and (B.) as duties payable to his Majesty, his heirs and successors, and the several allowances, drawbacks, and sums of money for or in respect of the several articles, matters, and things inserted, described, and set forth in the said schedule marked (C.) shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed, except where any alteration is expressly made by this Act, in such and the like manner, and in or by any or either of the general or special means, ways, or methods by which the former duties under the management of the said commissioners of stamped vellum, parchment, or paper respectively, and the allowances and drawbacks under the management of the said commissioners respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed; and the several persons, and also all vellum, parchment, paper, or other material of what nature or kind soever upon which any matter or thing shall be written, printed, or ingrossed, and by this Act respectively made liable to the payment of duty, and also the several other articles, matters, and things by this Act respectively made liable to the payment of duty, or which shall be entitled to any allowance or drawback as respectively inserted, described, and set forth in the said schedules marked (A.), (B.), and (C.), shall be, and the same are hereby made, except where any alteration is expressly made by this Act, subject and liable to all and every the conditions, regulations, rules, and restrictions to which such persons, and also such vellum, parchment, paper, or other material of what nature or kind soever, upon which any such matter or thing as aforesaid shall be written, printed, or ingrossed, and other articles, matters, and things as aforesaid were generally or specially subject and liable by any Act or Acts of Parliament in force before or on the said tenth day of October one thousand eight hundred and four, respecting the duties under the management of the said commissioners of stamped vellum, parchment, and paper; and all and every pain, penalty, fine, or forfeiture (except where any alteration is expressly made by this Act) for any offence whatsoever committed against or in breach of any Act or Acts of Parliament now in force, before or

SCHEDULES to which this Act refers.

SCHEDULE (A.)

STAMP DUTIES.

Name and Description of the Instrument, Article, or Thing on which the Duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
. . . . .	.	.	.	.	.	.
Licence to be taken out by the owner, proprietor, maker, and compounder of, and by every person uttering, vending, or exposing to sale, or keeping ready for sale, any drugs, herbs, pills, waters, essences, tinctures, powders, or other preparations or compositions whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to or in anywise affecting the human body, or any packets, boxes, bottles, pots, phials, or other inclosures, with any contents subject to the duties by this Act granted on certain medicines, within the cities of London or Westminster, or within the limits of the twopenny post, or within the city of Edinburgh, each licence, yearly - - -	2	0	0	—		
For each such licence in any other city or borough, or in any town corporate, or in the towns of Manchester, Birmingham, or Sheffield, yearly - - - - -	0	10	0	0	10	0
For each such licence in any other part of Great Britain, yearly - - -	0	5	0	0	5	0
. . . . .	.	.	.	.	.	.

CHAPTER CII.

AN ACT for the more effectual Administration of Justice in those Parts of the United Kingdom of Great Britain and Ireland called England and Ireland by the issuing of Writs of Habeas Corpus ad testificandum, in certain Cases. [28th July 1804.]

WHEREAS it is expedient for the more effectual administration of justice in those parts of the United Kingdom of Great Britain and Ireland called England and Ireland that further provisions should be made for the issuing of writs of habeas corpus ad testificandum in certain cases: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for any judge of his Majesty's courts of King's Bench or Common Pleas of England and Ireland respectively, or any baron of his Majesty's Court of Exchequer of the degree of the coif in England, or any baron of his Majesty's Court of Exchequer in Ireland, or any justice of oyer and terminer or gaol delivery, being such judge or baron as aforesaid, at his discretion, to award a writ or writs of habeas corpus, for bringing any prisoner or prisoners detained in any gaol or prison before any of the said courts, or any sitting of nisi prius, or before any other court of record in the said parts of the said United Kingdom, to be there examined as a witness or witnesses, and to testify the truth before such courts, or any grand, petit, or other jury, in any cause or causes, matter or matters, civil or criminal, whatsoever, which now are or hereafter shall be depending or to be enquired into or determined in any of the said courts.

Any judge of the King's Bench, &c. may award writs of habeas corpus for bringing prisoners before courts to be examined as witnesses.

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45 GEORGE III. A.D. 1805.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE SIXTEENTH DAY OF NOVEMBER, A.D. 1802,
IN THE FORTY-THIRD YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE FIFTEENTH DAY OF JANUARY, A.D. 1805,
BEING THE THIRD SESSION OF THE SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XXVIII.

AN ACT for granting to his Majesty additional Stamp Duties in Great Britain on certain Legacies. [5th April 1805.]

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies for defraying your Majesty's publick expences, and

making a permanent addition to the publick revenue, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that there shall be raised, levied, collected, and paid throughout the kingdom of Great Britain upon all legacies, specifick or pecuniary, or of any other description, whether the same be charged upon or payable out of any real or personal estate, and upon all residues or shares of personal estate left by any will or testamentary instrument, or divided by force of the statute of distributions, or the custom of any province or place, and upon monies or residues or shares of monies arising from the sale of real estates by any will or testamentary instrument directed to be sold, the respective duties following [Rep., Stat. Law Rev. Act, 1872.]; . . . . . .

Duties to be paid on legacies, &c.

* * * * * * * * *

V. AND be it further enacted, that the duties hereby granted upon legacies, or charged upon or made payable out of any real estate, or out of any monies to arise by the sale of any real estate, or upon residues or parts or shares of residues of any such monies, shall be accounted for, answered, and paid by the trustee or trustees to whom the real estate shall be devised, out of which the legacy or legacies, or share or shares of any money arising out of the sale or mortgage or other disposition of such real estate shall be to be paid or satisfied, or if there shall be no trustees then by the person or persons entitled to such real estate subject to any such legacy, or by the person or persons empowered or required to pay or satisfy any such legacy; and the said duties shall be retained by the person paying or satisfying any such legacy or share of money, in like manner, and according to such rules and regulations, and under and subject to such penalties, as far as the same can be made applicable, as are contained in an Act passed in the thirty-sixth year of the reign of his present Majesty, intituled "An Act for repealing certain duties on legacies "and shares of personal estates, and for granting other duties thereon in "certain cases."

Duties on legacies charged on real estate to be paid by the trustees, or the persons entitled to such estate.

36 Geo. 3. c. 52.

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VII. AND be it further enacted, that . . . . . all the provisions, clauses, regulations, penalties, forfeitures, matters, and things in the said Act contained in relation to legacies out of personal estates, or to the collecting any duties thereon, or valuation of any annuities, or periods of paying the duties thereon by instalments or otherwise, shall, so far as the same can be made applicable, and in all cases not expressly provided for by this Act, extend to and be put in force in relation to legacies, annuities, and shares of money arising or to arise out of any real estate; and all directions, provisions, forfeitures, and penalties in the said Act contained as to executors and administrators shall be applied to all trustees and owners of any real estates chargeable with legacies, annuities, or shares of money, or out of which, or any money to arise therefrom, against any such legacies, annuities, or shares of money shall be to be satisfied, as fully and amply as if all such provisions, clauses, regulations, penalties, forfeitures, matters, and things had been repeated and re-enacted in this Act in relation to legacies, annuities, and shares of money arising or to arise out of any real estate.

The provisions of 36 Geo. 3. c. 52. to apply to legacies charged on real estate, &c.

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Limitation of actions.

XII. AND be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case the said action or suit shall be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the county or place where the cause of action shall arise, and not elsewhere; and the defendant or defendants in such action or suit to be brought may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be so done, or if any such action or suit shall be brought after the time before limited for bringing the same, or shall be brought in any other county, city, or place than as aforesaid, then and in every such case the jury shall find for the defendant or defendants; and if upon such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Persons sued may plead the general issue.

Treble costs.

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CHAPTER LXXI.

AN ACT to amend the several Laws relating to the Duties under the Management of the Commissioners for the Affairs of Taxes. [27th June 1805.]

WHEREAS it is expedient to amend the several laws relating to the duties under the management of the commissioners for the affairs of taxes in the particulars herein mentioned: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every account of the monies received and paid by any receiver general of the said duties or any of them or by his deputy or deputies in England, which shall hereafter be transmitted to the office for taxes according to the usage thereof, shall be verified on the oath or oaths of such receiver general or his deputy or deputies to the best of his or their knowledge or belief, which oath may be administered by any commissioner acting in the execution of any of the Acts relating to the said duties in the district where he shall so act; and such oath shall be deemed to be of the like force and effect to infer pains and penalties, as any oath to be administered by commissioners in any matter relating to the execution of the said Acts; saving always to the barons and officers of his Majesty's Court of Exchequer in England, and the commissioners for the affairs of taxes, their power respectively to administer such oaths according to ancient usage.

Receiver general's accounts in England to be verified on oath.

II. AND be it further enacted, that the duplicates of the assessments directed by the said Acts to be sent and delivered by the respective commissioners to the King's remembrancer in England, to be kept in his Majesty's

Duplicates of assessments heretofore directed to be

Exchequer, shall hereafter be sent by them to, and delivered at the office for taxes, ... ; and if such duplicates shall not be so delivered within the time required by the respective Acts in that behalf, the clerk to the commissioners who shall wilfully offend against the provisions of this Act shall forfeit the sum of fifty pounds, to be recovered and applied as any penalty may be recovered and applied by any Act relating to the said duties.

sent to the King's remembrancer shall be sent to the office for taxes.

Penalty for neglect.

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IV. AND whereas receivers have in some instances been prevented, and may hereafter be prevented, without any wilful neglect or default on their part, from passing their land tax accounts in the Exchequer within the periods prescribed by law, by reason whereof they would be unable to set insuper or charge the respective counties, divisions, or places for which they are receivers for any monies which may be in arrear and unpaid, and would become answerable for such monies in arrear; and it is expedient to provide relief in such cases: Be it therefore enacted, that whenever it shall be made appear to the satisfaction of the commissioners for the affairs of taxes, or any three or more of them, that the receiver of any county, division, or place in England hath been prevented by reason of correct and proper duplicates of land tax not having been transmitted to him, or for any other cause not arising from his own wilful neglect or default, from passing his land tax accounts in the Exchequer, either for the year ending the twenty-fifth day of March one thousand seven hundred and ninety-nine or for any subsequent years, within the periods prescribed by law for passing accounts of land tax by receivers, it shall be lawful for the said commissioners or any three or more of them by writing under their hands to authorize and empower such receiver to set insuper or charge such county, division, or place for any monies granted by virtue of an Act passed in the thirty-eighth year of his present Majesty's reign for granting an aid to his Majesty by a land tax, which shall be in arrear and unpaid; and in every such case it shall be lawful for such receiver to set insuper and charge such county, division, or place for the monies so in arrear and unpaid in like manner in all respects, and such and the like process may and shall thereupon issue for the recovery thereof, as if such accounts had been declared and passed in the Exchequer within the period prescribed by law for passing accounts of land tax by receivers.

Commissioners for taxes may in certain cases empower receivers to set insuper and charge counties for arrears of land tax, although they have not passed their accounts within due time.

CHAPTER LXXVII.

AN ACT to amend and render more effectual an Act passed in the Forty-second Year of His present Majesty's Reign, for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into one Act. [2d July 1805.]

WHEREAS an Act passed in the forty-second year of his present Majesty's reign, intituled "An Act for consolidating the provisions of the several "Acts passed for the redemption and sale of the land tax into one Act, and "for making further provisions for the redemption and sale thereof, and for "removing doubts respecting the right of persons claiming to vote at elections "for knights of the shire and other members to serve in Parliament, in respect

42 Geo. 3. c. 116.

" of messuages, lands, or tenements, the land tax upon which shall have been " redeemed or purchased ": And whereas it is expedient that the said Act should be amended and rendered more effectual in some respects: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that where the land tax charged upon the glebe lands, tythes, or other profits of any living shall have been or shall be redeemed or purchased by the patron or patrons, or any former incumbent thereof, or by any other person or persons, it shall be lawful for the incumbent for the time being of such living to treat and agree for the purchase of an assignment of such land tax for the benefit of such living, and for the purpose of raising money to purchase such assignment from such patron or patrons, or former incumbent, or other person or persons, his, her, or their heirs, executors, administrators, or assigns, to carry into execution all and every or any of the powers which by the said recited Act are given in order to raise money by sale, mortgage, or grant, for the redemption of land tax, in such and the same manner, and under and subject to such and the same rules, restrictions, and regulations in all respects as such incumbent for the time being might have carried into execution the same powers for the purpose of redeeming such land tax in the first instance; and the land tax so assigned shall forthwith become merged and extinguished for the benefit of such living: Provided always, that the monies to arise from any such sale, mortgage, or grant shall not be paid into the Bank of England, or to any receiver general or collector, but the same, or so much thereof as shall be requisite, shall, under the order of any two of the commissioners appointed or to be appointed for the purposes of the said recited Act under the great seal, be paid to the person or persons assigning such land tax, whose receipt or receipts, in pursuance of such order, shall effectually discharge the respective purchasers or mortgagees; and the remainder of such monies, in case any such shall be, after payment of the costs and expences which shall have been incurred on account of such sale, mortgage, or grant and assignment, and have been allowed by the said commissioners, shall, in pursuance of the like order, be paid into the Bank of England, or to the receiver general or collector, as the case may require, and be applied in like manner as in the said recited Act is directed in the case of monies arising from sales, mortgages, or grants made for the purpose of purchasing assignments of land tax under the said Act: Provided also, that no such assignment of land tax, or any such deed of sale, mortgage, or grant, in pursuance of this Act, shall be liable to any stamp duty whatever.

Where land tax upon the glebe, &c. of a living has been redeemed, &c., the incumbent for the time being may purchase an assignment thereof for the benefit of such living, and may raise money for the purpose by sale, &c.

Application of the money arising from such sale, &c.

Assignments, &c. not liable to stamp duty.

II. AND be it further enacted, that no dividends shall be issued at the Bank of England to any bodies politick or corporate or companies or feoffees or trustees for charitable or other publick purposes, in respect of any bank annuities which shall have been purchased with any monies which have arisen or shall arise from the sale, mortgage, or grant of any manors, messuages, lands, tenements, or hereditaments belonging to any such bodies politick or corporate or companies or feoffees or trustees for charitable or other publick purposes, for the redemption of land tax, unless and until the bodies politick or corporate or companies or feoffees or trustees for charitable or other publick purposes applying for such dividends shall have obtained and shall produce to

Conditions on which dividends shall be issued to bodies politick, &c. in respect of bank annuities purchased with money arising from the sale of premises for redemption of the land tax.

the cashier of the Bank of England a certificate under the hands of any two of the said commissioners appointed or to be appointed under the great seal certifying that it hath appeared to them, by the production of the contract for the redemption of the land tax, or by the affidavit of the agent or some other person acting in behalf of such bodies politick or corporate or companies or feoffees or trustees for charitable or other publick purposes, that they have redeemed or are proceeding or intend bonâ fide and with reasonable diligence to redeem the land tax charged on their manors, messuages, lands, tenements, or hereditaments, or so much and such part of the said land tax as it had been proposed to redeem by the monies arising from the sale, mortgage, or grant, which by the said commissioners, or any two of them, had been authorized to be made for that purpose.

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CHAPTER LXXXIV.

AN ACT for making more effectual the gracious Intentions of her late Majesty Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, so far as relates to the Returns of Certificates into the Exchequer and Gifts of Personal Property. [2d July 1805.]

Recital of 1 Geo. 1. st. 2. c. 10.

WHEREAS by an Act passed in the first year of the reign of his late Majesty King George the First, intituled "An Act for making more "effectual her late Majesty's gracious intentions for augmenting the main- "tenance of the poor clergy," the respective bishops of every diocese were empowered from time to time, as they should see occasion, and as might best serve the purposes of the said bounty to the poor clergy, to inform themselves by such means as in the said Act are mentioned of the clear improved yearly value of every benefice with cure of souls, living, and curacy, and of the true and clear improved yearly value of the maintenance of every parson, vicar, curate, and minister officiating in any such churches or chapels as are therein mentioned, and how such yearly values arose, with the other circumstances thereof, and the same to certify to the said governors for their better information in the premises; in which said Act is contained a proviso, that where by certificates returned into her said Majesty's Court of Exchequer at Westminster, pursuant to an Act made in the fifth year of her reign, intituled "An "Act for discharging small livings from their first fruits and tenths, and all "arrears thereof"; and one other Act made in the sixth year of her reign, intituled "An Act to enlarge the time for returning the certificates of all "ecclesiastical livings not exceeding the yearly value of fifty pounds, and for "other purposes," or either of them, or made good by the said recited Act of the first year of King George the First, the yearly value of any livings not exceeding the clear yearly value of fifty pounds were particularly and duly expressed and specified, such certificates should ascertain the yearly values of such livings, in order to their being augmented by the said governors, and no new or different valuation thereof should be returned to the said governors by virtue of the said recited Act: And whereas since the time that such certificates were returned into the Exchequer in pursuance of the said Acts of the fifth and sixth of her said late Majesty Queen Anne many livings in

6 Ann. c. 24.

6 Ann. c. 54.

such certificates mentioned, and thereby returned as not exceeding the clear yearly value of fifty pounds, for the purpose of being discharged from first fruits and tenths, are by subsequent improvement of their glebes and tithes, and by inclosures and other means, become of much greater value; and in order that the bounty of her said late Majesty may be applied as was originally intended for the augmentation of small livings in places where the same are not already sufficiently provided for, and that her Majesty's gracious intentions for the relief of the poor clergy may be more speedily and effectually carried into execution, it is become expedient that the governors of the said bounty should be empowered to receive new valuations of such livings as were so returned into the Exchequer: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the respective bishops of every diocese and the guardians of spiritualities sede vacante shall be and are hereby empowered from time to time, as they shall see occasion and as may best serve the purposes of the said bounty to the poor clergy, by such ways and means as in the said Act of the first year of his Majesty King George the First are mentioned in that behalf, to inform themselves of the clear improved yearly value of such benefices with cure of souls, livings, and curacies as were returned into the Exchequer in pursuance of the said Acts of the fifth and sixth years of the reign of her said late Majesty Queen Anne, within their several dioceses, or within any peculiars or places of exempt jurisdiction within the bounds and limits of their respective dioceses, or adjoining or contiguous thereto, although the same be exempt from the jurisdiction of any bishop in other cases, and how such yearly values arise, with the other circumstances thereof; and the same, or such of them whereof they shall have fully informed themselves, from time to time with all convenient speed to certify to the said governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, for their better information in the premises; and the said governors are hereby authorized and empowered, with respect to the augmentation of such livings so formerly certified into the Exchequer as aforesaid, to act upon and be guided by such new certificates of the value and other circumstances thereof made in pursuance of this Act, as fully and effectually to all intents and purposes as they are in and by the said first herein-before mentioned and in part recited Act enabled to do with regard to such livings as were not so certified into the Exchequer, and as if the restraint of the said proviso therein had not been made, the same proviso or any thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Bishops, &c. may enquire into the improved value of benefices returned into the Exchequer under former Acts, and certify the same to the governors of Queen Anne's bounty, who may act upon the new certificates as they are now enabled to do with respect to livings not so returned into the Exchequer.

II. PROVIDED always, and be it enacted, that such certificates as were returned into the Exchequer for the purpose of ascertaining what livings were to be discharged from first fruits and tenths, shall not, so far as the same relate to the first fruits and tenths, be affected or altered in any manner whatsoever by any thing in this Act contained.

Former certificates shall not be affected with respect to the discharge of livings from first fruits, &c.

III. AND in order to facilitate the intentions of all such persons as may be disposed to contribute to the augmentation of such livings and curacies as are within the meaning of the laws now in force respecting the said bounty, be it further enacted, that it shall be lawful for any person or persons having in

his, her, or their own right any money, goods, chattels, or other personal effects, at his, her, or their will and pleasure, to give or grant to or vest in the said governors of the bounty of Queen Anne and their successors, to be by them disposed of according to law, all or any part of such money, goods, chattels, or other personal effects, without any deed or deeds, either enrolled or not enrolled, in like manner as he, she, or they could or might have done, either by deed or deeds enrolled or otherwise, before the passing of this Act, any statute or law to the contrary in anywise notwithstanding.

Persons may give personal property to the governors without deed.

IV. PROVIDED nevertheless, that nothing herein contained shall in any manner alter or affect the law now in force respecting the gift or conveyance of any lands, tenements, or hereditaments by any deed or deeds, or the disposition thereof or of any goods, chattels or other personal property by will or testament.

Saving of laws as to gifts of land and dispositions by will.

CHAPTER LXXXIX.

AN ACT to alter and extend the Provisions of the Laws now in force for the Punishment of the Forgery of Bank Notes, Bills of Exchange, and other Securities to every Part of Great Britain.[a] [10th July 1805.]

WHEREAS by an Act passed in the second year of the reign of his late Majesty King George the Second, intituled "An Act for the more "effectual preventing and further punishment of forgery, perjury, and subor- "nation of perjury, and to make it felony to steal bonds, notes, or other "securities for payment of money," and also by an Act passed in the seventh year of the reign of his said Majesty King George the Second, intituled "An Act for the more effectual preventing the forging or acceptance of bills "of exchange, or the numbers or principal sums of accountable receipts for "notes, bills, or other securities for payment of money, or warrants or orders "for payment of money or delivery of goods," and also by an Act passed in the thirty-first year of the reign of his said Majesty King George the Second, intituled "An Act for granting to his Majesty several rates and duties upon "offices and pensions, and upon houses, and upon windows or lights, and for "raising the sum of five millions by annuities and a lottery, to be charged on "the said rates and duties," and also by an Act passed in the fifteenth year of the reign of his said Majesty King George the Second, intituled "An Act "for establishing an agreement with the governor and company of the Bank "of England for advancing the sum of one million six hundred thousand "pounds towards the supply for the service of the year one thousand seven "hundred and forty-two," and also by an Act passed in the forty-first year of the reign of his present Majesty King George the Third, intituled "An Act "for the more effectually preventing the forgery of bank notes, bank bills of "exchange, and bank post bills," certain provisions were made and enacted for the preventing and punishing the forgery of bank notes, and other notes, bills, and instruments in these Acts respectively mentioned: And whereas it is expedient that such provisions should extend and be in force in every part of Great Britain, with such alterations and amendments therein as are hereby made: Be it therefore enacted by the King's most excellent Majesty, by and

2 Geo. 2. c. 25.

7 Geo. 2. c. 22.

31 Geo. 2. c. 22.

15 Geo. 2. c. 13.

41 Geo. 3. (U.K.) c. 39.

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[a] Rep., as to England, 11 Geo. 4. & 1 Will. 4. c. 66. s. 31.

with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons shall from and after the passing of this Act falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, or any acquittance or receipt either for money or goods, or any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politick or corporate whatsoever; or shall offer, dispose of, or put away any false, forged, counterfeited, or altered deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, indorsement or assignment of any bill of exchange or promissory note for payment of money, acceptance of any bill of exchange, acquittance, or receipt, either for money or goods, accountable receipt for any note, bill, or other security for payment of money, warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons, body or bodies politick or corporate, knowing the same to be false, forged, counterfeited, or altered; then every person or persons so offending, and being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

Persons forging deeds, wills, and securities for payment of money, &c. or offering any forged deeds, &c., shall be guilty of felony without benefit of clergy.

II. AND be it further enacted, that if any person or persons shall from and after the passing of this Act forge, counterfeit, or alter any bank note, bank bill of exchange, dividend warrant, or any bond or obligation under the common seal of the governor and company of the Bank of England, or any indorsement thereon, or shall offer or dispose of or put away any such forged, counterfeit, or altered note, bill, dividend warrant, bond, or obligation, or the indorsement thereon, or demand the money therein contained or pretended to be due thereon, or any part thereof, of the said company or any their officers or servants, knowing such note, bill, dividend warrant, bond, or obligation, or the indorsement thereon to be forged, counterfeited, or altered, with intent to defraud the said governor and company, or their successors, or any other person or persons, body or bodies politick or corporate whatsoever, every person or persons so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

The like provision in cases of forgery of bank notes, &c. of the Bank of England.

III. AND be it further enacted, that if any person or persons (other than the officers, workmen, servants, or agents for the time being of the governor and company of the Bank of England, to be authorized and appointed for that purpose by the said governor and company, and for the use of the said governor and company only) shall from and after the passing of this Act make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using, or (without being authorized or appointed as aforesaid) shall knowingly have in his, her, or their custody or possession (without lawful excuse, the proof whereof shall lie upon the party accused) any frame, mould, or instrument for the making of paper with curved or

Punishment of persons (except officers of the Bank) making or having in their possession frames for making paper of the description herein mentioned, or making or having in their possession such paper.

waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in Roman letters visible in the substance of such paper; or shall manufacture, make, use, vend, expose to sale, publish, or dispose of, or cause or procure to be manufactured, made, used, vended, exposed to sale, published, or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to sale, publishing, or disposing of, or (without being authorized or appointed as aforesaid) shall knowingly have in his, her, or their custody or possession, any paper whatsoever with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or having any number, sum, or amount expressed in a word or words in Roman letters appearing visible in the substance of such paper; or if any person or persons (except as before excepted) shall by any art, mystery, or contrivance cause or procure the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill in a word or words to appear visible in the substance of the paper whereon the same shall be written or printed, or shall knowingly aid or assist in causing the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill in a word or words in Roman letters to appear visible in the substance of the paper whereon the same shall be written or printed; every person or persons so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

This Act not to restrain the issue, &c. of bills having the amount expressed in guineas, or figures denoting pounds appearing visible on the substance of the paper;

IV. PROVIDED also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to restrain any person or persons from issuing or negociating any bill or bills of exchange, promissory note or promissory notes, having the sum or amount thereof expressed in guineas, or in a numerical figure or figures denominating the sum or amount thereof in pounds sterling, appearing visible on the substance of the paper upon which the same shall be written or printed; anything herein contained to the contrary thereof in anywise notwithstanding.

nor to restrain the making, &c. of paper having waved lines, not being bar lines, or laying wire lines, and not imitating the paper of the Bank.

V. PROVIDED also, and be it further enacted, that nothing in this Act contained shall restrain or prevent any person or persons from making, using, vending, exposing to sale, publishing, or disposing of any paper having waving or curved lines, or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not contrived in such manner as to form the ground work or texture of the paper, or to imitate or resemble the waving or curved laying wire lines or bar lines of the said paper of the governor and company of the Bank of England, or to imitate or resemble the watermarks used by the governor and company of the Bank of England in the bank notes, bank bills of exchange, and bank post bills issued by the said governor and company, anything herein contained to the contrary thereof in anywise notwithstanding.

Punishment for purchasing or receiving forged bank notes, &c.

VI. AND be it further enacted, that if any person or person shall from and after the passing of this Act purchase or receive from any other person or persons any forged or counterfeited bank note, bank bill of exchange, bank post bill, or blank bank note, blank bank bill of exchange, or blank bank

post bill, knowing the same to be forged or counterfeited, or shall knowingly or wittingly have in his, her, or their possession or custody, or in his, her, or their dwelling house, outhouse, lodgings, or apartments any forged or counterfeited bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged or counterfeited (without lawful excuse, the proof whereof shall lie upon the person accused), every person or persons so offending and being thereof convicted according to law shall be adjudged a felon, and shall be transported for the term of fourteen years.

Punishment of persons engraving, &c. on any plate any bank note, &c. of the Bank of England, or using any plate so engraved, &c., without the authority of the Bank.

VII. AND be it further enacted, that if any person or persons from and after the passing of this Act shall engrave, cut, etch, scrape, or by any other means or device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other means or device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate of copper, brass, steel, pewter, or of any other metal or mixture of metals, or upon any wood or any other materials, or any plate whatsoever, any bank note, bank bill of exchange, bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, purporting to be the note, or bill of exchange, or bank post bill, or blank bank note, or blank bank bill of exchange, or blank bank post bill, or part of the note, or bill of exchange, or bank post bill of the governor and company of the Bank of England, without an authority in writing for that purpose from the said governor and company of the Bank of England; or shall use any such plate so engraved, cut, etched, scraped, or by any other means or device made, or shall use any other instrument or device for the making or printing any such bank note, bank bill of exchange, or bank post bill, or blank bank note, or blank bank bill of exchange, or blank bank post bill, or part of a bank note or bank bill of exchange or bank post bill, without such authority in writing as aforesaid; or if any person or persons shall from and after the passing of this Act without such authority as aforesaid knowingly have in his, her, or their custody any such plate, instrument, or device, or shall without such authority as aforesaid knowingly and wilfully utter, publish, dispose of, or put away any such blank bank note, blank bank bill of exchange, or blank bank post bill, or part of such bank note, bank bill of exchange, or bank post bill; every person so offending in any of the cases aforesaid, and being convicted thereof according to law, shall be adjudged a felon, and shall be transported for the term of fourteen years.

The provisions of this Act shall extend to every part of Great Britain.

VIII. AND be it further enacted, that all and every the clauses and provisions in this Act contained shall extend and be deemed and construed to extend by all courts, judges, and magistrates whatsoever to every part of Great Britain; anything herein-before contained, or any law, statute, or usage to the contrary notwithstanding.

CHAPTER XCII.

AN ACT to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another. [10th July 1805.]

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III. AND whereas it is fit to provide for the appearance of persons to answer in cases where warrants are not usually issued, and to give evidence in criminal prosecutions in every part of the United Kingdom: Be it further enacted, that the service of every writ of subpœna or other process upon any person in any one of the parts of the United Kingdom, requiring the appearance of such person to answer or give evidence in any criminal prosecution in any other of the parts of the same, shall be as good and effectual in law as if the same had been served in that part of the United Kingdom where the person so served is required to appear; and in case such person so served shall not appear according to the exigence of such writ or process, it shall be lawful for the court out of which the same issued, upon proof made of the service thereof to the satisfaction of the said court, to transmit a certificate of such default under the seal of the same court, or under the hand of one of the judges or justices of the same, to the Court of King's Bench in England, in case such service was had in England, or, in case such service was had in Scotland, to the Court of Justiciary in Scotland, or, in case such service was had in Ireland, to the Court of King's Bench in Ireland; and the said last-mentioned courts respectively shall and may thereupon proceed against and punish the person so having made default in like manner as they might have done if such person had neglected or refused to appear in obedience to a writ of subpœna or other process issued out of such last-mentioned courts respectively.

Service of writs of subpœna in any part of the United Kingdom requiring appearance in any other part, it shall be valid.

IV. PROVIDED always, and be it further enacted, that none of such last-mentioned courts shall in any case proceed against or punish any person for having made default by not appearing to give evidence in obedience to any writ of subpœna or other process for that purpose, unless it shall be made to appear to such court that a reasonable and sufficient sum of money to defray the expences of coming and attending to give evidence and of returning from giving such evidence had been tendered to such person at the time when such writ of subpœna or other process was served upon such person.

Expences of attendance to be tendered when writs of subpœna are served.

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CHAPTER XCV.

AN ACT to amend so much of an Act of the Forty-third Year of His present Majesty, for consolidating certain of the Provisions of the Acts relating to the Duties in Scotland under the Management of the Commissioners for the Affairs of Taxes, as relates to the Appointment of Assessors and Sub-collectors, and the Notices required to be delivered to Persons assessed to the said Duties. [10th July 1805.]

43 Geo. 3. c. 150.

WHEREAS an Act was passed in the forty-third year of the reign of his present Majesty, intituled "An Act for consolidating certain of the "provisions contained in any Act or Acts relating to the duties under the "management of the commissioners for the affairs of taxes, and for amending "the said Acts so far as the same relate to that part of Great Britain called "Scotland": And whereas certain inconveniences have been found to arise from the appointment of assessors under the provisions of the said Act, it is expedient that the same should be amended in the particulars after mentioned: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in case the commissioners appointed to put into execution the said recited Act, or any other Act or Acts for granting duties to be assessed under the regulations of that Act, shall not at their usual annual meeting held on the thirtieth day of April in each year appoint assessors for each parish or other small district within the shire, stewartry, city, or borough for which they the said commissioners act, or where such assessors, if appointed, shall not signify to the surveyor of the shire or district their acceptance of the appointment within thirty days thereafter, that then and in every such case it shall be lawful to and for such surveyor forthwith, without lodging any complaint before the sheriff or other magistrate, to assess and charge, as mentioned in the said Act, the several inhabitants of the respective parishes, districts, or places wherein such default shall have happened, and to make certificates of assessment of the several duties charged by the said Acts; and the said surveyors are hereby required to make two duplicates of the said assessments, one of which is to be sent to the comptroller general of taxes of Edinburgh, and the other to be delivered to the collectors to be appointed as directed by the said Act for the shire, stewartry, city, or borough respectively; and the collectors to whom the same shall be delivered shall have the same powers to collect, receive, and recover the said duties as such collectors would have had in case the said assessments had been allowed by the said commissioners as mentioned in the said Act.

In case commissioners shall not at their usual meeting on April 30, appoint assessors, or where assessors shall not signify their acceptance of the appointment, surveyor may make the assessment, &c.

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CHAPTER CXI.

AN ACT to amend and render more effectual an Act made in the Parliament of Ireland in the Fifth Year of His present Majesty, intituled "An Act "for erecting and establishing Publick Infirmaries or Hospitals in this "Kingdom." [10th July 1805.]

Recital of Irish Act 5 Geo. 3. c. 20.

WHEREAS by an Act passed in the Parliament of Ireland in the fifth year of his present Majesty's reign, intituled "An Act for erecting and "establishing publick infirmaries or hospitals in this kingdom," it was enacted that the grand jury of each of the counties therein named should at every summer assizes present a sum not exceeding one hundred pounds nor less than fifty pounds, to be raised on the counties at large and applied to the support of the infirmaries or hospitals therein: And whereas the sums so empowered to be raised have proved insufficient in many counties: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the grand jury of each and every county in Ireland to present, to be raised on the county at large, a sum not exceeding five hundred pounds in the year, over and above and exclusive of the sum which they may be empowered to present by the said recited Act, to be paid to the corporation therein called The Governors and Governesses of the County Infirmary or Hospital, and applied by the said corporation towards the support and maintenance of such the county infirmary or hospital in such county: Provided always, that a like affidavit and account as is required by an Act passed in the twenty-fifth year of his present Majesty's reign, intituled "An Act for extending the provisions of an "Act passed in this kingdom in the fifth year of the reign of his present "Majesty, intituled 'An Act for erecting and establishing publick infirmaries "'or hospitals in this kingdom,'" be first laid before such grand jury previous to any such presentment being made.

Grand juries may present a sum not exceeding 500*l.* yearly, beyond the sum presented under recited Act.

Irish Act, 25 Geo. 3. c. 63.

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46 GEORGE III. A.D. 1806.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE SIXTEENTH DAY OF NOVEMBER
A.D. 1802,
IN THE FORTY-THIRD YEAR OF THE REIGN OF
KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE
TWENTY-FIRST DAY OF JANUARY, A.D. 1806,
BEING THE FOURTH SESSION OF THE SECOND PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XXXVII.

AN ACT to declare the Law with respect to Witnesses refusing to answer. [5th May 1806.]

WHEREAS doubts have arisen whether a witness can by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself, or to expose him to any penalty or forfeiture, but the answering of which may establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit at the instance of his Majesty or of some other person or persons: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that a witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture of any nature whatsoever, by reason only or on the sole ground that the answering of such question may establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit either at the instance of his Majesty or of any other person or persons.

Witnesses cannot refuse to answer questions tending to establish their indebtedness, &c.

CHAPTER XLIII.

AN ACT for granting to his Majesty certain Stamp Duties on Appraisements and on Licences to Appraisers in Great Britain. [5th May 1806.]

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Persons appraising property for hire, to be deemed appraisers.

IV. AND be it further enacted, that every person who shall value or appraise any estate or property, real or personal, or any interest in possession or reversion, remainder, or contingency in any estate or property, real or personal, or any goods, merchandize, or effects of whatsoever kind or description the same may be, for or in expectation of any hire, gain, fee, or reward or valuable consideration to be therefore paid him, shall be deemed and taken to be an appraiser within the provisions of this Act to all intents and purposes.

Appraisers to take out a licence.

V. AND be it further enacted, that no person shall exercise the calling or occupation of an appraiser, or act as such within the intent and meaning of this Act, without taking out a licence in manner herein-after mentioned; and every

such licence shall state the true name and place of abode of the person taking out the same; and it shall be lawful for any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, or for any person duly authorized by such commissioners or the major part of them, to grant such licences; and every such licence issued between the fifth day of July and the fifth day of August in any year shall bear date on the sixth day of July; and every such licence issued at any other time shall bear date the day on which the same shall be issued; and every such licence shall continue in force from the day of the date thereof until the fifth day of July then next following.

Penalty of 50*l.* for appraising without a licence.

VI. AND be it further enacted, that from and after the fifth day of July in the year one thousand eight hundred and six no person shall appraise or value any estate or property, or effects real or personal, or any interest in possession or reversion, remainder, or expectancy in any estate or property real or personal for or in expectation of hire or reward without being so licensed as aforesaid, on pain of forfeiting for every such offence the sum of fifty pounds.

But auctioneers duly licensed may act as appraisers without taking out licence.

VII. PROVIDED always, and be it further enacted, that all persons who shall be duly licensed according to law to act as auctioneers shall and may act as appraisers without taking out any other licence in pursuance of this Act, any thing in this Act contained to the contrary notwithstanding.

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CHAPTER LIV.

AN ACT for the more speedy Trial of Offences committed in distant Parts upon the Sea. [23d May 1806.]

28 Hen. 8. c. 15.

WHEREAS by an Act of Parliament made in the twenty-eighth year of the reign of King Henry the Eighth, it is enacted, that all treasons, felonies, robberies, murders, and confederacies committed on the sea shall be enquired of, tried, and determined according to the common course of the laws of this land used for such offences upon the land within this realm: And whereas by another Act of Parliament made in the eleventh year of the reign of King William the third, intituled "An Act for the more effectual suppression "of piracy," it is enacted, that all piracies, felonies, and robberies committed on the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be examined, enquired of, tried, heard, and determined, and adjudged, in any place at sea, or upon the land in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission, in the manner therein directed and according to the rules of the civil law: And whereas treasons, murders, and divers other felonies, and misdemeanors not mentioned in the said statute of the eleventh year of the reign of King William the Third cannot be tried by virtue of any commission directed under that Act, but the persons committing or charged with having committed the same upon the seas in or near the East or West Indies, and in places very remote, can only be brought to trial by sending them to England to be tried within this realm under the commission directed by the said statute of the twenty-eighth year of the reign of King Henry the Eighth; whereby not only great charges and expences are incurred, but offenders do often times escape unpunished by reason

11 Will. 3. c. 7.

of the delay and difficulties attending such prosecutions: For remedy whereof and in order that one uniform course of trial may be had for all treasons, piracies, felonies, robberies, murders, conspiracies, and other offences committed upon the seas, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all treasons, piracies, felonies, robberies, murders, conspiracies, and other offences of what nature or kind soever committed upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be enquired of, tried, heard, determined, and adjudged according to the common course of the laws of this realm used for offences committed upon the land within this realm, and not otherwise, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, under and by virtue of the King's commission or commissions under the great seal of Great Britain, to be directed to any such four or more discreet persons as the lord chancellor of Great Britain, lord keeper, or commissioners for the custody of the great seal of Great Britain for the time being shall from time to time think fit to appoint; and that the said commissioners so to be appointed or any three of them shall have such and the like powers and authorities for the trial of all such murders, treasons, piracies, felonies, robberies, conspiracies, and other offences within any such island, plantation, colony, dominion, fort, or factory, as any commissioners appointed or to be appointed according to the directions of the said statute of the twenty-eighth year of the reign of King Henry the Eighth by any law or laws now in force have or would have for the trial of the said offences within this realm; and that all persons convicted of any of the said offences so to be tried by virtue of any commission to be made according to the directions of this Act shall be subject and liable to and shall suffer all such and the same pains, penalties, and forfeitures as by any law or laws now in force persons convicted of the same respectively would be subject and liable to, in case the same were respectively inquired of, tried, heard, determined, and adjudged within this realm, by virtue of any commission made according to the directions of the said statute of the twenty-eighth year of the reign of King Henry the Eighth; any law, statute, or usage to the contrary notwithstanding.

All offences committed on the sea, &c. may be tried in any of his Majesty's islands, &c. by virtue of the King's commission under the great seal directed to four or more discreet persons, &c.

CHAPTER LXXI.

AN ACT to amend several Acts for the Encouragement of finding and working Mines and Minerals within Ireland.[a] [3d July 1806.]

WHEREAS by an Act made in the Parliament of Ireland in the tenth year of the reign of his late Majesty King George the First, intituled "An Act for the further encouragement of finding and working mines and "minerals within this kingdom," it was amongst other things enacted, that it should be lawful to and for all archbishops, bishops, and other dignitaries and persons ecclesiastical, and to and for all bodies politick and corporate, and other persons in the said Act mentioned, to make and grant leases for thirty-

Recital of Irish Act, 10 Geo. 1. c. 5.

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[a] So much of this Act as limits the term of leases to thirty-one years, rep., 11 & 12 Vict. c. 13. s. 1.

one years, of all mines and minerals whatsoever found and discovered, or which might thereafter be found and discovered within their respective manors, glebes, or lands in such manner as in and by the said Act is mentioned and directed; and that persons having such interest as in the said Act is mentioned in lands set in fee farm or otherwise, with an exception of mines and minerals, should have full power and authority to open, dig, and work all mines or minerals which should or might be found in or upon the said lands, and to raise and carry away the ore thereof, or to demise the same for thirty-one years as aforesaid; and it is by the said recited Act enacted, that all and every the persons aforesaid, and all and every person and persons to whom the said mines and minerals should be demised as aforesaid, should have free liberty to build all such houses as should be found convenient and useful for working the said mines, and to dig and make turf for the use of the said houses, where the same should happen to be in bogs or mountains, only making such compensation as in the said Act is mentioned: And whereas by an Act made in the Parliament of Ireland in the fifteenth year of the reign of his late Majesty King George the Second, for explaining and amending the said herein-before recited Act, the said recited Act and the provisions thereof were extended to coal mines: And whereas it is expedient to enlarge the provisions of the said Acts in manner herein-after mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for all and every person and persons, and for all and every body or bodies politick and corporate, ecclesiastical or civil, in the said recited Acts or either of them mentioned, and who by the said recited Acts or either of them are empowered to make leases of mines and minerals in manner in the said recited Acts mentioned, in like manner to make and grant leases not exceeding the term of thirty-one years of any quantity of land, not exceeding three acres, which shall or may be contiguous to such mines or minerals, wherever such mines or minerals may be situate; and where such mines or minerals shall happen to be situate in bogs or mountains, then to make and grant such leases of any quantity of land not exceeding fifteen acres which may be contiguous to such mines or minerals, for the convenience and accommodation of the said houses and of the workmen occupying the same, and for cutting turf and erecting smelting houses for smelting the ores of the said mines and minerals, and for erecting and making other buildings and works necessary for the more profitable working of any such mines; and that it shall and may be lawful to and for all and every person or persons who under or by virtue of the said recited Acts, or either of them, are empowered to open, dig, and work mines and minerals, and to build houses, as in the said Acts is mentioned, to hold, occupy, and enjoy such respective quantities of land for the purposes aforesaid.

and of Irish Act, 15 Geo. 2. c. 10.

Persons and bodies politick, &c. empowered to make leases of mines under recited Acts may grant leases of certain quantities of lands contiguous to such mines for certain purposes.

[III.[a]] AND be it further enacted, that all such lessors and other persons to whom such land shall be demised, or who shall hold or occupy the same

Power to build on such lands smelting

[a] This section is rep., so far as the same refers to the relation of landlord and tenant in Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104.]

houses and other buildings for the convenience of working mines, and to cut turf, &c.

under or by virtue of this Act and the said recited Acts, or either of them, shall have full power and free liberty to erect and make on the land so demised to or held or occupied by them, smelting houses, and any other houses, buildings, and works whatsoever necessary for the more profitable working of any such mines or minerals respectively, and to cut, dig, and make turf on the said land, to be employed in the smelting the ores of such mines or minerals, or in any other manner necessary for the erecting of such mines; and that for the more easy working of such mines or minerals such lessees or other persons shall have full power and free liberty to divert and make use of any such stream or streams of water as shall pass through any part of such land so demised or occupied, and as shall not have been used, occupied, or employed by any mill or mill dam previous to the time when such land shall be so demised or occupied for the purposes in this Act mentioned.

Compensation to be made for such lands in manner required by first recited Act.

[III.[a]] PROVIDED always, and be it enacted, that all and every person and persons who by virtue of this Act shall use or occupy any such land for the purposes in this Act mentioned shall make compensation to such person or persons as shall be entitled to the possession of such lands, in such manner and form as is by the said first recited Act required and directed with respect to lands wherein or whereon any mines and minerals shall be dug for or any houses shall be built under or by virtue of the said recited Acts; and that all clauses, powers, and provisions in the said recited Acts or either of them contained, with respect to the matters and things in the said Acts mentioned, shall extend and be construed to extend and be applied in the execution of this Act, as fully and effectually as if such clauses, powers, and provisions had been repeated and re-enacted in this Act.

CHAPTER XC.

AN ACT to enable his Majesty annually to train and exercise a Proportion of his Subjects in England under certain Regulations, and more effectually to provide for the Defence of the Realm. [16th July 1806.]

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Lord lieutenants may, with the approbation of his Majesty, appoint deputy lieutenants to act for them during absence, &c.

XLV. AND be it further enacted, that it shall be lawful for any lord lieutenant of any county, with the approbation of his Majesty, to appoint any deputy lieutenant to act for him within the county as lieutenant thereof, during the necessary and unavoidable absence, sickness, or other disability of such lord lieutenant, and no longer, and to appoint any deputy lieutenant to act as lieutenant of any division of such county; and all vice-lieutenants so appointed under this Act shall, from and after the passing thereof, rank within their respective counties as lieutenant colonels of militia; and all lieutenants of divisions so appointed under this Act shall rank within their

Rank of deputy lieutenants.

respective counties as majors of militia; and all other deputy lieutenants acting as such in their respective subdivisions shall rank within their respective counties as captains of militia.

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[a] This section is rep., so far as the same refers to the relation of landlord and tenant in Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104.

CHAPTER CVI.

AN ACT to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland.[a] [16th July 1806.]

WHEREAS it is expedient to provide for the more effectual execution of the several Acts in force in Ireland relating to the several revenues, matters, and things under the management of the commissioners of customs and port duties, and of the commissioners of inland excise and taxes in Ireland: . . . . . .

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In trials under the customs or excise Acts in Ireland, jurors of the same trade as the plaintiff or defendant, and revenue officers, returned as jurors, may be challenged

XIII. AND be it further enacted, that where any action, information, indictment, suit, or prosecution shall be commenced or prosecuted by or against any officer of customs or excise, or any officer appointed by or acting under the said commissioners of customs and port duties, or the said commissioners of inland excise and taxes, or either of them, for any matter or thing done contrary to or in the execution or by reason or by or under colour of any Act or Acts in force in Ireland relating to the revenues, matters, and things under the management of the said commissioners, or either of them, it shall be lawful for such officer to take exception to any of the jurors returned for the trial of any such action, information, indictment, suit, or prosecution, who shall be of the same business, trade, or calling as any plaintiff, defendant, prosecutor, or traverser in any such action, information, indictment, suit, or prosecution respectively; and that it shall be lawful for any such plaintiff, defendant, prosecutor, or traverser to take exception to any officer of customs or excise, or officer appointed by or acting under the said commissioners, or either of them, who shall be returned as a juror for the trial of any such action, information, indictment, suit, or prosecution; and upon proof of such exception respectively every such juror shall be set aside, as in the case of other legal challenges.

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CHAPTER CXL.

AN ACT to amend Two Acts, passed in the Forty-second Year of his present Majesty relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.[b]

[22d July 1806.]

Recital of 42 Geo. 3. c. 90.

42 Geo. 3. c. 91.

Irish Act, 33 Geo. 3. c. 22.

WHEREAS an Act was passed in the forty-second year of the reign of his present Majesty, intituled "An Act for amending the laws relating "to the militia in England, and for augmenting the militia": And whereas another Act was passed in the forty-second year aforesaid, intituled "An Act "to raise and establish a militia force in Scotland": And whereas another Act was passed in the Parliament of Ireland in the thirty-third year of his present Majesty's reign, intituled "An Act for amending and reducing into

[a] So much of this Act as relates to the revenues of customs, rep., 6 Geo. 4. c. 105.

[b] Rep., so far as relates to volunteers in Great Britain, 26 & 27 Vict. c. 65. s. 51.

" one Act of Parliament the laws relating to the militia in Ireland ": And whereas another Act was passed in the forty-fourth year of the reign of his present Majesty, intituled " An Act to consolidate and amend the provisions " of the several Acts relating to the corps of yeomanry and volunteers in " Great Britain, and to make further regulations relating thereto ": And whereas it is in the said recited Acts respectively enacted, that from the date of his Majesty's warrants for drawing out the militia into actual service the officers and men of the militia shall be entitled to the same pay as the officers and men of his Majesty's other infantry forces or as other regiments of foot receive, and no other; and that persons enrolled in corps of yeomanry and volunteers, when assembled in certain cases specified in the said recited Act, shall receive pay after the same rates as his Majesty's other forces: And whereas it may be expedient to increase the pay of the officers and men of his Majesty's other forces in certain cases: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that nothing in the said recited Acts or either of them contained shall extend or be construed to extend to give to the officers or men of the militia, or officers or men of yeomanry and volunteer corps of England, Scotland, or Ireland respectively, any increase of pay by reason of any increase of pay given since the first day of June one thousand eight hundred and six, or which may hereafter be given to any officers or men of his Majesty's regular forces; anything in the said recited Acts or either of them contained to the contrary notwithstanding.

and 44 Geo. 3. c. 54.

Recited Acts not to extend to give any increase of pay to the officers or men of the militia, or of the yeomanry and volunteer corps, by reason of any increase of pay to the regulars.

CHAPTER CXLVIII.

AN ACT for granting to his Majesty a Sum of Money to be raised by Lotteries.[a] [22d July 1806.]

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Recovery and application of penalties under the lottery laws.

LIX. AND be it further enacted, that all pecuniary penalties for any offence against any law touching or concerning lotteries, or against this Act; (except where it is herein otherwise directed) shall, when recovered, go and be applied to the use of his Majesty, his heirs or successors; and from and after the commencement of this Act it shall not be lawful for any person or persons whatever, except where it is herein otherwise directed, to commence or enter into, or cause or procure to be commenced or entered, or filed, or prosecuted, any action, suit, bill, plaint, or information for the recovery of any pecuniary penalty or penalties inflicted by any of the laws touching or concerning lotteries or by this Act, unless the same be commenced, entered, filed, and prosecuted in the name of his Majesty's attorney general in the Court of Exchequer at Westminster, if such offence shall be committed in England, or in the name of his Majesty's attorney general in the Court of Exchequer at Dublin, if such offence shall be committed in Ireland, or in the name of his Majesty's advocate general in the Court of Exchequer in Scotland, if such offence shall be com-

[a] Rep., except sect. 59, so far as that section does not relate to penalties inflicted by this Act, Stat. Law Rev. Act, 1872.

mitted in Scotland; and if any action, suit, bill, plaint, or information shall be commenced or entered in any other person's name or names than as is before mentioned, the same and all proceedings thereupon had are hereby declared to be null and void, and the said court or courts where such proceedings shall be so commenced shall cause the same to be staid, any law, custom, or usage to the contrary notwithstanding.

CHAPTER CLIII.

AN ACT for the Preservation of the Publick Harbours of the United Kingdom. [23d July 1806.]

WHEREAS the preservation of the publick harbours of the United Kingdom is of great importance to the commerce and security thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for any person or persons to make, construct, or erect any pier, quay, wharf, jetty, breast, or embankment in or adjoining to any publick harbour in the United Kingdom, or any river immediately communicating therewith, so far as the tide flows up the same, without giving at least one month's previous notice of his, her, or their intention so to do to the secretary of the Admiralty, who is to lay the same before the lord high admiral or lords commissioners of the Admiralty for the time being, the receipt of which notice the said secretary is hereby required duly to acknowledge; upon pain that every person or persons offending shall forfeit and pay the sum of two hundred pounds, to be recovered by action of debt, bill, plaint, or information, in which no essoign, protection, privilege, wager of law, or more than one imparlance shall be granted or allowed.

No person shall erect any pier, &c. in any publick harbour, &c. without giving one month's notice to the Admiralty; under penalty of 200*l*.

II. PROVIDED always, and be it further enacted, that this Act or anything herein contained shall not extend or be construed to extend to prejudice or derogate from the estates, rights, liberties, interests, privileges, franchises, or authority of the mayor and commonalty and citizens of the city of London, or their successors, or the lord mayor of the said city for the time being, or any of their deputies or ministers in the port of London, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the mayor and commonalty and citizens of the city of London, or the lord mayor of the said city for the time being, as conservator of the river of Thames and waters of Medway, did or might lawfully claim, use, or exercise; anything herein contained to the contrary thereof in anywise notwithstanding.

This Act not to affect the privileges of the city of London.

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47 GEORGE III. A.D. 1807.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JUNE, A.D. 1807,
IN THE FORTY-SEVENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,
BEING THE FIRST SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XV.

AN ACT to provide for the regulating and securing the Collection of the Duty on Gold and Silver Plate wrought or manufactured in Ireland.

[1st August 1807.]

WHEREAS the laws now in force for regulating and securing the collection of the duty payable to his Majesty on gold and silver plate wrought, made, or manufactured in Ireland have been found insufficient, and it is expedient to repeal the same, and to provide for the better collecting and securing the said duty: . . . . . .

Sellers and makers of gold and silver plate shall be licensed.

II. AND for the better regulating and securing of the duty on gold and silver plate, wrought, made, or manufactured in Ireland, be it enacted, that every person who shall sell or make any gold or silver plate in Ireland shall obtain a licence for that purpose from the commissioners of inland excise and taxes in Ireland, or any one of them, [Rep., Stat. Law Rev. Act, 1872 (No. 2).] . . . . . .

Plate in Ireland shall be assayed and marked by the assay master or deputy assay master, or other appointed officers.

III. AND be it further enacted, that all gold and silver plate wrought, made, or manufactured in Ireland shall be assayed by the assay master now or hereafter to be appointed by the Fraternity or Company of Goldsmiths of the city of Dublin, or by a deputy assay master, or other officer to be appointed by the said fraternity or company, in such parts of Ireland as they shall think fit; and after such assay made, if such gold plate shall be found conformable to any of the three following standards of fineness, that is to say, of not less than twenty-two carats, or of not less than twenty carats, or of not less than eighteen carats of fine gold in every pound weight troy, and if such silver plate shall be found conformable to the standard of eleven ounces two penny weights fine silver in every pound weight troy, then the same shall be touched by the said assay master, or by any such deputy assay master or other officer, and marked with the marks in the said respective cases by law required, and now or hereafter to be used for that purpose; and after the same shall be touched and marked as aforesaid the said assay master shall thereupon stamp or mark, without fee or reward, the said plate with such stamps and marks as are now in use, or with such stamp or mark as the said commissioners of inland excise and taxes for the time being or any three of them shall from time to time devise and appoint.

Assay master, &c. shall be sworn.

IV. AND be it further enacted, that the said assay master, and every deputy assay master, or other officer to be appointed for the purposes of this Act for the time being, before he shall be empowered to mark such plate, shall be sworn to the due and faithful execution of his office in assaying such plate,

and stamping or marking the same, pursuant to this Act; which oath shall and may be administered by the said commissioners of inland excise and taxes for the time being, or any one or more of them, or by any justice of the peace, who shall give to such assay master a certificate thereof.

Goldsmiths, &c. shall send to assay master, &c. with every parcel of gold or silver a written note of certain particulars and the weight thereof,

V. AND be it further enacted, that any working goldsmith and silversmith, or other manufacturer of gold or silver whatsoever in Ireland, who shall at any time or times after the expiration of ten days after the passing of this Act work or make or cause to be wrought or made any gold or silver vessel, plate or manufacture of gold or silver whatsoever required to be touched, assayed, and marked by the said assay master or deputy assay master or officer to be appointed as aforesaid, shall from time to time send with every parcel of such gold or silver to the said assay master, deputy assay master, or other officer, a note or memorandum fairly written containing the day of the month and year, the christian and surname of the worker or maker and place of his or her abode, and also all the species in such parcel of plate and the number of each species, with the total weight of such parcel, and also the sum of money payable to his Majesty, his heirs and successors, for the duty thereupon; and also shall from time to time send, deliver, and pay with every such parcel to the said assay master, deputy assay master, or officer who shall receive such parcel of gold or silver so sent to be touched, assayed, and marked, the full amount of the duties payable to his Majesty, his heirs and successors, for every ounce troy weight of such gold or silver plate so required to be touched, assayed, and marked, under and by virtue of an Act made in the last session of Parliament, intituled "An Act to grant to his Majesty certain inland "duties of excise and taxes in Ireland, and to allow certain drawbacks in "respect thereof, in lieu of former duties of excise, taxes, and drawbacks," or under any other Act or Acts at the time in force in Ireland for the imposing of duties on plate wrought, made, or manufactured in Ireland.

and pay the duties imposed by 47 G. 3. sess. 1. c. 18., or other Acts.

Plate shall be marked to signify payment of duty.

VI. AND be it further enacted, that the assay master, deputy assay master, or other officer so to be appointed as aforesaid, shall mark with the following mark, that is to say, with the mark of the King's head, over and besides the several other marks directed by law, all and every such pieces and parcels of gold or silver plate so sent to be touched, marked, and assayed; and shall, previous to the touching, marking, or assaying such gold or silver plate or manufacture, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons who shall require such gold or silver plate to be touched, marked, and assayed, the full amount of the duty payable to his Majesty, his heirs and successors, for every ounce troy of such gold or silver plate, or manufacture of gold or silver, and so in proportion for any greater or less quantity which shall be brought to the said respective officers to be touched, marked, and assayed as aforesaid; and such assay master, deputy assay master, or officer shall give a receipt for the duty so paid to the person or persons bringing such plate or manufacture; and in default of receiving such duty in manner aforesaid, or of paying the same in manner herein-after mentioned, the said assay master, deputy assay master, or other officer respectively, and the said Fraternity or Company of Goldsmiths in the city of Dublin shall be accountable to his Majesty, his heirs and successors, for the said duty, as if the same had been actually received under the directions of this Act.

Duty shall be paid previous to the marking.

Receipt to be given for the duty.

Assay master, &c. and Goldsmiths Company to be answerable for the duty.

Allowance of one sixth of duty on goods sent to be assayed in a rough state.

VII. AND whereas gold and silver wares when sent to be marked and assayed are sometimes sent in so rude and so rough a state that the same in the finishing are greatly lessened in weight: Be it therefore enacted, that the said assay master, deputy assay master, or other officer to be appointed as aforesaid, whenever such plate shall be sent to be marked and assayed in any unfinished state, so that a diminution in the weight thereof must necessarily remain to be made by the worker or manufacturer thereof before the same shall be finished, shall, in respect of such diminution as aforesaid, make to the person or persons bringing such plate a deduction of one-sixth part from the weight, and an allowance of one-sixth part of the duty payable to his Majesty, his heirs and successors, and shall at the bottom of the note or memorandum by this Act directed to be kept and filed express the deduction from the weight and the allowance of the duty accordingly: Provided always, that nothing herein contained shall authorize any such allowance to be made on any quantity of silver plate or manufacture less in weight than one ounce troy, nor on any fractional part of an ounce.

Assay master, &c. shall file the notes, and keep accounts in books of duties received.

VIII. AND be it further enacted, that the said assay master, deputy assay master, or other officer, who shall from time to time take and receive the said monies and duties with the said notes or memorandums, shall, upon receipt of the said notes or memorandums, and of the said monies and duties, file the said notes or memorandums, and enter the particulars thereof and of the deductions aforesaid, and keep a true and faithful account in writing, in books to be kept for that especial purpose, of the duties received by him under and by virtue of this Act; and such assay master, deputy assay master, or other officer shall give an indented receipt (without stamp) numbered under his hand for the amount of the said duty to the person or persons who shall pay the same, a duplicate of which said indented receipt shall be kept by such assay master, deputy assay master, or officer in a book bound for that purpose.

Books shall be lodged by assay master quarterly with the Goldsmiths Company.

IX. AND be it further enacted, that the said assay master shall, within one month after the twenty-ninth day of September, the twenty-fifth day of December, the twenty-fifth day of March, and the twenty-fourth day of June in each and every year, transmit and return to the said Company of Goldsmiths in Dublin and lodge with them all the said books kept by him containing the accounts of all the particulars aforesaid and of the duties received, and the duplicates of receipts given under this Act in manner aforesaid; and the said book shall at all times be open for the inspection of the said commissioners of inland excise and taxes, or of any person or persons authorized in writing by the said commissioners or any one of them; and the said commissioners or the person or persons so authorized by them shall be at liberty to take copies and extracts of the said books, or any part of them.

Inspection, &c. of such books.

Assay master shall weekly pay duties to the Goldsmiths Company, who shall pay over the same to the collector of excise in Dublin, and shall deliver quarterly to the commissioners

X. AND be it further enacted, that the said assay master shall once in every week, or oftener, if required by the said Company of Goldsmiths in Dublin, pay to the said company all and every sum and sums of money so received by him for and on account of the duties payable to his Majesty as aforesaid, which monies the said company shall within two days after the receipt thereof from time to time pay or cause to be paid to the collector of excise in the district of Dublin; and that the said Company of Goldsmiths shall within two months after the twenty-ninth day of September one thousand eight hundred and

seven deliver or cause to be delivered to the said commissioners of inland excise and taxes, or to some person or persons authorized by them to receive the same, true copies of the accounts herein-before directed to be kept and transmitted to the said company for the quarter which shall be completed on the said twenty-ninth day of September, and at the same time shall pay to the said collector of excise all such sum and sums of money as shall be the balance of the sums which shall have been received on account of the said duties on or before the said twenty-ninth day of September one thousand eight hundred and seven, if any such balance shall appear to be due, and from thenceforth shall from time to time within two months after the twenty-fifth day of December, the twenty-fifth day of March, the twenty-fourth day of June, and the twenty-ninth day of September in every year, or at such other times after the expiration of the said two months as may be appointed by the said commissioners of inland excise and taxes, deliver or cause to be delivered to the said commissioners, or to any person or persons appointed by them for the purpose of receiving the same, true copies of the accounts herein-before directed to be kept by such assay master and transmitted or returned to the said company for the quarter ending on such twenty-fifth day of December, twenty-fifth day of March, twenty-fourth day of June, and twenty-ninth day of September; and shall at the same time pay to the collector of excise for the district of Dublin all such sum or sums of money as shall be the balance of the sums which shall have been received by the said assay master or other officer in the quarter ending as aforesaid on account of the said duties, if any such balance shall appear to be due.

of excise copies of accounts, and pay to the said collector the balance due.

XI. AND be it further enacted, that every deputy assay master or other officer to be appointed under this Act in any part of Ireland, except Dublin, shall once in every week pay to the collector of excise for the district in which such deputy assay master or other officer shall reside all and every sum and sums of money so received by such deputy assay master or other officer for or on account of the duties payable to his Majesty as aforesaid; and that every such deputy assay master or other officer shall, within one month after the twenty-ninth day of September one thousand eight hundred and seven, deliver to and lodge with the collector of the district in which such deputy assay master or other officer shall reside all books containing the accounts and duplicate receipts herein-before directed to be kept by such deputy assay master or other officer respectively, up to the twenty-ninth day of September one thousand eight hundred and seven, and from thenceforth shall from time to time within one month after the twenty-fifth day of December, twenty-fifth day of March, twenty-fourth day of June, and twenty-ninth day of September in every year, or at such other times after the expiration of the said month as may be appointed in writing by the said collector, deliver or cause to be delivered to such collector all such books of account and duplicate receipts for the quarter ending on such twenty-fifth day of December, twenty-fifth day of March, twenty-fourth day of June, and twenty-ninth day of September respectively.

Deputy assay masters in the country shall pay duty weekly and deliver books, &c. quarterly to collectors.

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XIII. AND be it further enacted, that if any assay master, deputy assay master, or other officer shall neglect or refuse to keep such books and accounts, or to give such receipts as by this Act he is required to do, or to return and

Penalty on assay master, &c., and clerk, &c. of com-

pany for neglect of duty.

lodge the said books or accounts in manner by this Act directed, or to receive the said duties and sums of money, or to pay over the same in manner by this Act directed, or if the said Company of Goldsmiths in Dublin shall refuse or neglect to deliver or cause to be delivered the copies of the said accounts, or to pay over the said duties and sums of money in manner aforesaid, every such assay master, deputy assay master, or other officer, and the clerk or accountant of the said company respectively shall forfeit the sum of one hundred pounds, together with double the amount of the sum of money or duty so received by such assay master, deputy assay master, or other officer under the direction or by authority or pretence of this Act, or which such assay master, deputy assay master, officer, clerk, accountant, or other person ought to have received according to the directions of this Act.

Penalty on goldsmiths selling plate not assayed and marked.

XIV. AND be it further enacted, that no goldsmith, silversmith, or other person working or trading in Ireland in wrought or manufactured gold or silver plate shall sell or expose to sale, barter, or exchange any gold or silver plate, or manufacture of gold or silver, unless it be silver wire or such things not exceeding four penny weights, which in respect of their smallness are not capable of receiving a mark, until such time as such plate or manufacture of gold or silver shall be assayed, touched, and marked in manner herein prescribed in that behalf, upon pain of forfeiting the sum of one hundred pounds for every such offence; and all such plate or manufacture of gold or silver which shall be found in the house, shop, room, or other place of any such goldsmith, silversmith, or other person for the purpose of sale, and which shall not be assayed, touched, or marked in manner herein directed, shall be forfeited, and may be seized by any officer of inland excise and taxes, or by any officers of customs and port duties in Ireland.

Forfeiture of the plate.

Penalty on persons buying plate not assayed and marked.

XV. AND be it further enacted, that no person shall buy, take, or receive in the way of purchase, barter, or exchange any wrought or manufactured gold or silver plate, or manufacture of gold or silver, from any goldsmith, silversmith, or other person whatsoever working or trading in wrought or manufactured gold or silver in Ireland (unless it be silver wire or such things not exceeding four penny weights, which in respect of their smallness are not capable of receiving a mark) not being assayed, touched, and marked by the assay master in manner herein prescribed at the time such gold or silver plate shall be delivered to the buyer or receiver thereof, upon pain of forfeiting a sum equal to the value thereof, to be sued for and recovered by any person who shall discover the same, for the sole benefit of the person so discovering and suing; which suit, where the said value shall not exceed the sum of ten pounds, shall be by civil bill before the assistant barrister at the sessions of the peace for the several and respective counties in Ireland, or before the chairman of the sessions of the county of Dublin, or before the recorder of the city of Dublin respectively; and where the value of such plate shall exceed the sum of ten pounds, then such penalty shall be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record in Dublin.

Recovery of penalty.

Penalty on persons forging or transposing marks or stamps;

XVI. AND be it further enacted, that if any person shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited any mark or stamp used or directed to be used in pursuance of this Act for the marking or stamping of gold or silver plate, or shall cast, forge, or counterfeit, or shall

cause or procure to be cast, forged, or counterfeited any mark, stamp, or impression in imitation of or to resemble any mark, stamp, or impression made or to be made with any mark or stamp used or to be used as aforesaid, or shall mark or stamp or cause or procure to be marked or stamped any wrought plate of gold or silver, or any wares of silver, brass, copper, or other metal, gilt over or plated and resembling plate of gold or silver, with any mark or stamp which hath been or shall be cast, forged, or counterfeited at any time, in imitation of or to resemble any mark or stamp used or to be used as aforesaid, or shall transpose or remove, or cause or procure to be transposed or removed from one piece of wrought plate to another piece of wrought plate, or from any piece of wrought plate to any vessel of silver, brass, or other metal as aforesaid any mark, stamp, or impression made or to be made by or with any mark or stamp used or to be used as aforesaid, or shall sell, exchange, or expose to sale, or export out of Ireland any wrought plate of gold or silver, or any vessel of silver, brass, or other metal as aforesaid with any such forged or counterfeited mark, stamp, or impression thereon, or with any mark, stamp, or impression which hath been or shall be transposed or removed or cut out from any piece of wrought plate, knowing such mark, stamp, or impression to be forged, counterfeited, or transposed, cut out or removed as aforesaid, or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited in imitation of or to resemble any mark or stamp used or to be used as aforesaid, every such person offending in any or either of such cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be sentenced to be transported for the term of seven years in such manner as other felons may be transported under any Act or Acts in force in Ireland; and if any person or persons shall cut out of one piece of wrought plate any stamp, mark, or impression made or to be made, by or with any mark or stamp to be used as aforesaid, with intent to transpose or remove such stamp, mark, or impression, or with intent that the same shall and may be transposed or removed from one piece of wrought plate to another piece of wrought plate, or from any piece of wrought plate to any vessel of silver, brass, copper, or other metal, gilt or plated, and resembling plate of gold or silver, every such person so offending shall forfeit the sum of two hundred pounds.

or selling, &c. plate with forged or transposed marks, &c.;

or possessing forged marks, &c.

XVII. AND be it further enacted, that all and every the fines, penalties, and forfeitures inflicted by this Act shall be paid and recovered in British currency; and that all such fines, penalties, and forfeitures, the recovery whereof is not otherwise provided for by this Act, shall and may be sued for and recovered, levied, and applied in such manner and form, and by such ways and means, and with such powers and authorities as are prescribed, directed, and appointed in and by an Act of Parliament made in Ireland in the fourteenth and fifteenth years of the reign of his late Majesty King Charles the Second, intituled "An Act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted," or in and by an Act made in the forty-sixth year of his present Majesty's reign, intituled "An Act to provide for the better execution of the several Acts relating to the revenues, matters, and things under the management of the commissioners of customs and port duties, and of the commissioners of inland excise and taxes in Ireland," or in and by any other Act or Acts in force in Ireland

Recovery of penalties.

Irish Act, 14 & 15 Cha. 2. c. 8.

46 Geo. 3. c. 106.

relating to any of the said revenues, matters, and things under the management of the commissioners of inland excise and taxes, as fully and effectually, to all intents, constructions, and purposes, as if the same were particularly mentioned and expressed and re-enacted in this Act, with like remedy of appeal to and for the party and parties who shall think him, her, or themselves aggrieved or injured, as in and by the said Acts or any of them is provided and enacted.

CHAPTER XXV.

AN ACT for the more convenient Payment of Half Pay and Pensions, and other Allowances to Officers and Widows of Officers, and to Persons upon the Compassionate List. [1st August 1807.]

Recital of 46 Géo. 3. c. 69.

WHEREAS an Act was passed in the forty-sixth year of the reign of his present Majesty, intituled "An Act for making better provision for "soldiers": And whereas it would greatly tend to the comfort and accommodation of officers who have served in any of his Majesty's forces, and widows of officers of the army entitled to pensions, and also to persons receiving any sums of money on the compassionate list, and also of all other persons receiving any pension or allowance under the controul, direction, or management of the secretary at war, by reason of having served in his Majesty's army, or in any of his forces, or in any forces which have been engaged in his Majesty's service, if all such payments were made to such persons in the parishes or places of their residence, or as near thereto as may be, in like manner as pensions and allowances are paid to persons who have served in his Majesty's navy; and that for that purpose the powers of the said recited Act should be extended to all such persons as far as the same are applicable, and that the secretary at war and paymasters general of his Majesty's forces for the time being should be authorized and empowered from time to time to make rules and regulations for that purpose: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of December one thousand eight hundred and seven it shall be lawful for the secretary at war and paymasters general of his Majesty's forces for the time being to order and direct that all such pay, pensions, and allowances to which any officers or persons who have served in any of his Majesty's forces, or in any forces which have been heretofore or may hereafter be engaged in his Majesty's service, or any widows of any such officers, or any person receiving any allowance or pension on the compassionate lists or any pension, allowance, or relief in respect of any military service, shall be paid such pay, pension, allowance, or relief at or near to the parishes or places of their residence in any part of his Majesty's dominions or in foreign parts by any person appointed by the secretary at war or paymasters general of his Majesty's forces to pay the same under such rules and regulations, and upon such certificates, vouchers, or receipts as may from time to time at any time be established by the commissioners of Chelsea Hospital under the authority of the said recited Act, as far as the same are or can be made applicable or [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

After Dec. 24, 1807, the secretary at war, &c. may order the pay, pensions, &c. due to officers and widows to be paid at their places of residence, &c.

under such restrictions or other or further regulations as may be established by the secretary at war and paymasters general of his Majesty's forces for the time being from time to time for that purpose.

Secretary at war, &c. may make rules and regulations for the payment of pay, pensions, &c.

II. AND be it further enacted, that it shall also be lawful for the secretary at war and paymasters general for the time being to make such orders, rules, and regulations, and from time to time to alter the same, in relation to the payment of any such pay, pensions, allowances, or relief to any such persons so entitled thereto as aforesaid, and also as to any certificates, vouchers, receipts, or orders for the better regulating, managing, and making such payments, and to require such proofs and affidavits relating thereto as may be requisite for the ordering and securing the payment of such pay, pensions, allowances, and relief: Provided always, that every such order or regulation may from time to time be revoked or altered by any warrant, order, or instruction under his Majesty's royal sign manual.

Treasury may direct such pay, pensions, &c. to be paid by the receiver general of the land tax, &c.

III. AND be it further enacted, that it shall be lawful for the lords commissioners of his Majesty's Treasury in Great Britain and Ireland respectively, or any three or more of them, to order and direct that any such pay, pensions, allowances, and relief so due as aforesaid, for the payment whereof money shall have been voted by Parliament, shall be paid by any receiver general of the land tax, or collector of the cess in Scotland, or any collector of duties of customs or excise, or any collector of the duties under the management of the commissioners for the affairs of taxes, out of any public money in their hands respectively; and that the vouchers and receipts for the payments of such money shall be taken as cash in the accounts and in part of the duties collected by such receivers general or collectors respectively; and all such sums of money so advanced under any such rule or regulation for any such payment shall be repaid to the account of the duties out of which the same shall have been paid, in such manner as the said lords commissioners of his Majesty's Treasury in Great Britain or Ireland respectively or any three or more of them shall direct.

Assignments, &c. of such pay, pensions, &c. shall be void.

IV. AND be it further enacted, that all assignments, bargains, sales, orders, contracts, agreements, or securities whatsoever which shall be given or made by any person entitled to any such pay, pension, allowance, or relief as aforesaid, for, upon, or in respect of any such his pay, pension, allowance, or relief shall be absolutely null and void to all intents and purposes.

Pay, pensions, &c. to be paid without deduction, on penalty of 50*l.*

V. AND be it further enacted, that all and every such sum or sums of money to be paid under the provisions of this Act shall be fully and completely paid to the person in whose favour they shall so respectively be drawn or made payable, without any deduction or abatement or any fee or reward whatever under any pretence whatsoever, although part thereof may be in fractions of the smallest denomination; and every person detaining or withholding any part thereof under pretence of former privilege or usage of office, or upon or under any pretence whatsoever, or taking any fee or reward for any such payment shall for every such offence forfeit and pay the sum of fifty pounds, to be recovered with treble costs of suit [Rep., 5 & 6 Vict. c. 97. s. 2.] by any action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster, wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed; one half of which shall go to the person injured, and the other half to the person who shall sue for the same.

No order or bill, &c. under this Act shall be subject to stamp duty.

VI. AND be it further enacted, that no order, bill, remittance bill, or certificate that shall be made or drawn under the authority of the powers by this Act given shall be subject or liable to or charged or chargeable with any stamp duty to which bills of exchange are by law subject and liable, or any stamp duty whatsoever; nor shall any person or persons receiving payment of the sum or sums of money drawn for, mentioned or specified in any such orders, bills, or certificates be bound or obliged to give a stamp receipt for the same; but a receipt or acknowledgement of payment indorsed on such order, bill, or certificate shall be held, deemed, and taken as a sufficient release and discharge for the same in all cases and courts whatsoever.

Punishment for personating others.

VII. AND be it further enacted, that from and after the passing of this Act if any person shall wilfully and knowingly personate or falsely assume the name or character of, or procure any other person to personate or falsely to assume the name or character of any other person entitled or supposed to be entitled to any such pay, pension, allowance, or relief as aforesaid, in order to receive the same or any part thereof, every such person so offending and being lawfully convicted thereof shall be deemed guilty of felony, and may be transported for such period not exceeding fourteen years as the court shall adjudge.

Punishment for forging or counterfeiting the names, &c. of persons entitled to pay, &c.

VIII. AND be it further enacted, that if any person shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging and counterfeiting the name or hand writing of any person entitled to any such pay, pension, allowance, or relief, or of any person or persons required by any rules or regulations made under and by virtue of this Act to sign any certificate, voucher, or receipt in relation to the payment of any such pay, pension, allowance, or relief, for and in order to the receiving or obtaining any money on any such pension, allowance, or relief, or shall utter any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whatsoever, every such person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and may be transported for such period not exceeding fourteen years as the court shall adjudge.

Justices, receivers general of the land tax, &c. may enquire into the truth of certificates by examination on oath, &c.

IX. AND be it further enacted, that it shall be lawful for any justice of the peace or magistrate or any receiver general of the land tax, collector of the cess in Scotland, collector of the customs, or collector of excise to enquire into the truth of any certificate or voucher required by any such rules or regulations, and produced to him by any person claiming any such pay, pension, allowance, or relief under any such certificate or voucher or any person acting for him, by the oath or affirmation of the person producing the same; which oath or affirmation any such justice of the peace or magistrate or receiver general or collector aforesaid is hereby authorized and required to administer, and upon being satisfied of the truth of such certificate or voucher to testify the same on the back of such certificate or voucher; and every person who shall in any such oath or affirmation wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending and being thereof lawfully convicted shall be and is hereby declared to be subject and liable to the like pains and penalties as any person convicted of perjury is by any law now in force subject and liable to.

Penalty for false swearing.

X. AND be it further enacted, that all orders, certificates, vouchers, and receipts for or relating to any such pensions, allowances or relief as aforesaid shall be free from all duties of stamps, and be good, valid, and effectual, although the same shall not have been stamped, any thing in any Act contained to the contrary notwithstanding.

Orders, certificates, &c. exempt from stamp duty.

CHAPTER L.

AN ACT to amend an Act made in the Parliament of Ireland in the Fifth Year of his present Majesty's Reign, for erecting and establishing Publick Infirmaries or Hospitals in Ireland. [8th August 1807.]

WHEREAS by an Act made in the Parliament of Ireland in the fifth year of his present Majesty's reign, intituled "An Act for erecting and establishing publick infirmaries or hospitals in this kingdom," it is enacted, that in the several and respective counties therein mentioned publick infirmaries or hospitals shall be erected and established and supported in manner in the said Act mentioned: And whereas it is expedient to extend the provisions of the said recited Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said recited Act and all the provisions therein contained for the erecting, establishing, and supporting of publick infirmaries or hospitals in counties shall be extended and construed to extend to all counties of cities and counties of towns in Ireland for the erecting and establishing of a publick infirmary or hospital, wherein no special provision has been made by any Act or Acts of Parliament in force in Ireland at the time of the passing of this Act; and that the surgeon of every such publick infirmary or hospital to be erected in any such county of a city or county of a town under the said recited Act and this Act shall be appointed and paid in like manner as the surgeons to the county infirmaries or hospitals in the said Act mentioned; [and that the grand jury of any such county of a city or county of a town, in which any publick infirmary or hospital shall be so erected or established, shall make such presentments from time to time for the support of such hospitals as grand juries under the said recited Act are empowered to do;[a] and that all other matters and things in the said recited Act or in any other Act contained, relating to the county infirmaries or hospitals in the said Act mentioned, shall extend and be applied in the erecting, establishing, supporting, and managing of such infirmaries in counties of cities and counties of towns in Ireland, as fully and effectually as if all such counties of cities and counties of towns had been mentioned in the said recited Act and included therein by name.

Recital of Irish Act, 5 Geo. 3. c. 20.

Recited Act to extend to all counties of cities, &c. in Ireland for establishing public infirmaries.

Grand juries to make presentments for the support of such establishments.

II. AND be it further enacted, that if it shall happen within twelve months after the passing of this Act, that in any county of a city or county of a town in Ireland any sum of money amounting to five hundred pounds at the least shall be raised and advanced by a publick subscription, or otherwise, for the purpose of erecting, establishing, and maintaining a publick infirmary or hospital in such county of a city or county of a

If 500*l.* or upwards be raised by publick subscription, the lord lieutenant may direct the Trea-

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[a] The part of section 1. enclosed in brackets is rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1872 (No. 2).]

sury to add to it an equivalent sum, but not exceeding 1,500*l.*, &c.

town, and such sum of money shall be deposited in the hands of the treasurer of the said county of a city or county of a town, or in the Bank of Ireland in the name of such treasurer, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to order and direct the lord high treasurer of Ireland, or the commissioners for executing the said office of lord high treasurer, to issue and pay out of the consolidated fund to the said treasurer of such county of a city or town, or into the said bank in the name of the said treasurer, a sum of money equal in amount to such subscription so deposited, but not exceeding in any case the sum of one thousand five hundred pounds, to be paid and applied for the purpose of erecting and establishing such infirmary or hospital in such sums and at such times, and in such manner and proportions, and under such rules, regulations, terms, and conditions, and to annex any such forfeitures for breach of such rules, regulations, terms, and conditions, as to such lord lieutenant or other chief governor or governors of Ireland for the time being shall seem best suited for promoting the beneficial purposes of this Act; and [Rep., Stat. Law Rev. Act, 1872 (No. 2)] [after any such infirmary or hospital shall be fit for the reception of patients, the grand jury of the county of a city or county of a town in which the same shall be erected and established shall and may yearly present such sum and sums of money as the grand juries of counties are by the said recited Act empowered and directed to present, to be applied in such manner as in the said recited Act or any other Act or Acts in force in Ireland is mentioned and directed with respect to the county infirmaries or hospitals in the said recited Act mentioned.[a]]

Donors of twenty guineas shall be governors for life, and subscribers of three guineas shall be governors for one year.

III. AND be it further enacted, that every donor of any sum not less than twenty guineas to any infirmary or hospital to be erected and established under this Act in any county of a city or county of a town in Ireland shall from the time of such donation be one of the governors or governesses and a member of the body corporate or corporation for such respective infirmary or hospital during life; and every person who shall subscribe and pay any sum not less than three guineas for the use of such infirmary or hospital shall be a governor or governess and shall be a member of the body corporate or corporation for such respective infirmary or hospital for one year from the day of the payment of such subscription.

Directors shall be chosen at a general meeting of governors to act with ex officio directors.

IV. AND be it further enacted, that such donors and subscribers so being governors and governesses of any such infirmary or hospital in any county of a city or county of a town under this Act as aforesaid shall from time to time annually at such time of the year as shall be appointed for that purpose, at a general meeting of such governors and governesses, choose and elect from among themselves twelve persons, who, in conjunction with the archbishop of Armagh for the time being, the lord high chancellor of Ireland for the time being, and the bishop of the diocese and rector and vicar of each parish within such county of a city or town for the time being, in which such infirmary or hospital shall be situated, shall be directors of the corporation for such respective infirmary or hospital for the year next ensuing such election; and such directors shall for such year have all such powers and authorities in and for the management, governance, and direction of such infirmary or hospital in such city or town respectively as are given to or vested in the governors and governesses of any corporation for any infirmary or hospital under the said recited Act.

Powers of directors.

Presentment for hospital, &c. not to ex-

[IV. AND be it further enacted, that no sum or sums shall be presented by any grand jury under the authority of this Act and the said recited Act, for

[a] The part of section 2. enclosed in brackets is rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1872 (No. 2).]

the support of any such infirmary or hospital in any county of a city or county of a town in Ireland, exceeding the amount of one hundred pounds in any one year; and that all sums so presented shall be raised on such county of a city or county of a town by an assessment on houses according to the valuation of the same for the payment of ministers money, in such manner as such grand jury shall from time to time order and direct.[a]]

ceed 100*l.* in one year, and to be raised by assessment on houses.

VI. PROVIDED always, and be it further enacted, that nothing contained in this Act shall extend or be construed to extend to [or alter the mode of assessment hitherto in use for the purposes of any hospital or infirmary established previous to the passing of this Act, nor to [a] authorize the establishing of any hospital or infirmary within any county of a city or town wherein an hospital or infirmary shall have been established previous to the passing of this Act.

Act not to affect the mode of assessment in use for the purpose of any hospital already established, &c.

[VII. AND be it further enacted, that whenever it shall happen that any sum of money heretofore presented or hereafter to be presented to be raised in any county of a city or county of a town in Ireland for any purpose whatever shall not be expended agreeable to such presentment and accounted for within the time prescribed by law, or within a reasonable time after such presentment shall have been made, or whenever any saving may be made on any presentment, it shall and may be lawful for the grand jury of such county of a city or county of a town to represent such sum of money then in the treasurers hands, or the amount of any such saving, to be expended in the establishing and maintaining of any infirmary or hospital within the said county of a city or county of a town respectively, over and above all such sum or sums as the said grand jury are by this Act or the said recited Act empowered to present for such infirmary or hospital as aforesaid; and such sum of money so represented shall be expended in the establishing and maintaining such infirmary or hospital accordingly.[a]]

Whenever money presented for any purpose is not expended thereon, the grand jury may represent it for the support of a hospital.

CHAPTER LXVIII.

AN ACT for the better Government of the Settlements of Fort Saint George and Bombay; for the Regulations of Public Banks; and for amending so much of an Act passed in the Thirty-third Year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their Service Abroad.

[13th August 1807.]

WHEREAS it is expedient that the governor in council of Fort Saint George and the governor in council of Bombay respectively, in the East Indies, should have the same powers for the government of the towns of Madras and Bombay respectively, and the countries within the order and management of the said governors in council respectively, as are now vested

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[a] The sections and part of section 6. enclosed in brackets are rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1872 (No. 2).]

in the governor general in council of Fort William in Bengal for the government of the settlement of Fort William, and the countries immediately subordinate to the said presidency of Fort William; and that such provisions as are herein-after contained should be made in respect of students educated at the college established in England by the East India Company for the education of persons intended for their civil service abroad; and also, that provision should be made to prevent any doubts arising as to the legal establishment of banks with corporate rights in the East Indies; and that all the servants of the said united company should be empowered to subscribe to and become members of such banks: . . . . . .

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VIII. AND whereas it may be expedient that public banks for the deposit and loan of money and the negociation of securities, and other purposes, should be established in the East Indies, and that the individuals who may become members thereof should be incorporated under and by the authority of the respective governments in the East Indies; but doubts have been entertained whether the powers of those governments are competent to the establishment of such banks within the local limits of the jurisdictions of the several courts of justice in India, which have been established by his Majesty's charters; and it is expedient that such doubts should be removed: Be it therefore enacted, and it is hereby enacted and declared, that it shall and may be lawful to and for the several governments in the East Indies to establish such publick banks, with perpetual succession, and such rights, privileges, franchises, and immunities as are incidental or are usually granted to corporations legally erected in that part of the United Kingdom of Great Britain and Ireland called England, and under and subject to such terms and conditions as they shall see fit; and that the several persons who shall be so incorporated, and their heirs, executors, administrators, and assigns shall have, hold, enjoy, and be entitled to all such rights, privileges, franchises, and immunities as well within as beyond the local limits of the jurisdiction of the several courts of justice so established as aforesaid, according to the true intent and meaning of the several orders or Acts, by virtue of which any such banks or corporations shall be so established: Provided always, that the establishment of any such banks or corporations shall not be valid or effectual until they shall have received the approbation of the court of directors of the said company, subject to the controul of the board of commissioners for the affairs of India for the time being.

The governments in India may establish publick banks there.

IX. AND be it enacted, that it shall and may be lawful to and for all persons whomsoever in the service of the said company, and for all the judges of the several courts of justice in India, to subscribe to and become members of any such bank or corporation as aforesaid, and that it shall be lawful to and for any person or persons in the service of the said company to be elected or appointed, or to become directors or managers thereof, anything contained in the said Act of the thirty-third year of his present Majesty's reign [a] or any other Act of Parliament to the contrary thereof in anywise notwithstanding.

All persons in the service of the company, &c. may become members and directors;

[a] i.e., 33 Geo. 3. c. 52.

X. PROVIDED always, and be it further enacted, that no judge of any of the said courts of justice in India established by his Majesty's charter shall be capable of being appointed to or holding the office of the director or manager of any such bank or corporation. but no judge shall be a director.

XI. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices, and others without being specially pleaded. Publick Act.

48 GEORGE III. A.D. 1808.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JUNE, A.D. 1807,
IN THE FORTY-SEVENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-FIRST DAY OF JANUARY, A.D. 1808,
BEING THE SECOND SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XLVII.

AN ACT for quieting Possessions and confirming defective Titles in Ireland, and limiting the Right of the Crown to sue in Manner therein mentioned; and for the Relief of Incumbents in respect of Arrears due to the Crown during the Incumbency of their Predecessors. [27th May 1808.]

WHEREAS by an Act passed in the ninth year of his present Majesty's reign, intituled "An Act to amend and render more effectual an Act "made in the twenty-first year of the reign of King James the First, intituled "'An Act for the general quiet of the subjects against all pretences of con-"'cealment whatsoever,'" it was enacted that the King's Majesty, his heirs and successors, should not implead for any manors, lands, or hereditaments whereon the right to such lands, manors, or hereditaments did not or should not have accrued within sixty years next before the commencement of any suits instituted in respect of the same: And whereas it is expedient to limit in like manner the right and title of his Majesty, his heirs and successors, in and to all manors, lands, tenements, rents, tythes, and hereditaments (except liberties and franchises) in Ireland to sixty years next before the commencement of any suit or proceeding for the same, and to secure to all his Majesty's subjects the free and quiet enjoyment of all manors, lands, tenements, rents, tythes, and hereditaments which they or those under whom they claim respectively have held or enjoyed, or whereof they have taken the rents, revenues, issues, or profits for the space of sixty years next before the commencement of any suit or proceeding for the same: Wherefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the King's Majesty, his heirs or successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons, bodies 9 Geo. 3. c. 16. His Majesty shall not sue for any estate

when the right has not first accrued within 60 years before the commencement of such suit, unless his Majesty, &c. has been in possession, &c., or the rents have been in charge to the Crown within the 60 years.

politick or corporate in Ireland, for or in anywise concerning any manors, lands, tenements, rents, tythes, or hereditaments whatsoever (other than liberties or franchises), or for or in anywise concerning the revenues, issues, or profits thereof, or make any title, claim, challenge, or demand of, in, or to the same or any of them, by reason of any right or title which hath not first accrued or grown or which shall not hereafter first accrue or grow within the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, unless his Majesty, or some of his progenitors, predecessors, heirs or successors, or some other person or persons, bodies politick or corporate, under whom his Majesty, his heirs or successors, any thing hath or lawfully claimeth or shall have or lawfully claim, have or shall have been in the actual seisin thereof, or have or shall have been answered by force and virtue of any right or title to the same the rents, revenues, issues, or profits thereof, or the rents, issues, or profits of any honors, manors, or other hereditaments whereof the premises in question shall be part or parcel, within the said space of sixty years, or that the same have or shall have been duly in charge to his Majesty, or some of his progenitors, predecessors, or ancestors, heirs or successors, within the said space of sixty years; and that all and every person or persons, bodies politick and corporate, their heirs and assigns, and all claiming by, from, or under them or any of them, for and according to their and every of their several estates and interests which they have or claim to have, or shall or may have or claim to have in the same respectively, shall at all times hereafter quietly and freely have, hold, and enjoy against his Majesty, his heirs and successors, claiming by any title which hath not first accrued or grown or which shall not hereafter first accrue or grow within the said space of sixty years, all and singular manors, lands, tenements, rents, tythes, and hereditaments whatsoever (except liberties and franchises) which he or they, or his or their or any of their ancestors or predecessors, or those from, by, or under whom they do or shall claim, or shall have held or enjoyed or taken the rents, revenues, issues, or profits thereof by the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall at any time or times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless his Majesty or some of his progenitors, predecessors, or ancestors, heirs or successors, or some other person or persons, bodies politick or corporate, by, from, or under whom his Majesty, his heirs or successors, any thing hath or lawfully claimeth or shall have or lawfully claim in the said manors, lands, tenements, rents, tythes, or hereditaments, by force of any right or title have or shall have been in the actual seisin thereof, or have been or shall have been answered by virtue of any such right or title the rents, revenues, issues, or other profits thereof, within the said space of sixty years, or that the same have or shall have been duly in charge as aforesaid within the said space of sixty years.

In what cases the rents shall be deemed in charge.

II. PROVIDED always, and be it enacted, that where the rents, revenues, issues, or profits of any manors, lands, tenements, tythes, or hereditaments are or shall be in charge by, to, or with any auditor or auditors, or proper officer or officers of the revenue, such rents, revenues, issues, and profits shall be held,

deemed, and taken to be duly in charge within the intent and meaning of this Act, any usage or custom to the contrary notwithstanding.

Cases in which reversions or remainders in the crown of any lands, &c. are not liable to be impeached by this Act.

III. PROVIDED always, that this Act or anything herein contained shall not extend to bar, impeach, or hinder his Majesty, his heirs or successors, of, for, or from any manors, tenements, rents, tythes, or hereditaments whereof any reversion or remainder now is in his Majesty, for or concerning the said reversion or remainder; nor of, for, or from any reversion or remainder, or possibility of reversion or remainder in any of his Majesty's progenitors, predecessors, or ancestors, which, by the expiration, end, or other determination of any limited estate of fee simple or of any fee tail or other particular estate, hath or ought to have first fallen or become in possession, or which shall or may or ought hereafter first to fall or come in possession, within the space of sixty years next before the filing, issuing, or commencing of any such action, bill, plaint, information, commission, or other suit or proceeding, or shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof; nor of, for, or from any right or title first accrued or grown to his Majesty, or any of his progenitors, predecessors, or ancestors, or which shall first accrue or grow to his Majesty, or any of his heirs or successors, of, in, or to any manors, lands, tenements, rents, tythes, or hereditaments, at any time or times within the space of sixty years next before the filing, issuing, or commencing of any such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, and not before.

Lands to be holden of the crown, &c. upon the usual tenures, services, and duties.

IV. PROVIDED also, and be it enacted, that all and singular the said manors, lands, tenements, tythes, and hereditaments shall at all times hereafter be holden of his Majesty, his heirs and successors, and of other person or persons, bodies politick and corporate, their heirs and successors respectively, by the same tenures, services, fee farms, chief rents, quit rents, heriots, and other duties, to all intents and purposes, as the same should or ought of right to have been holden if the estates, rights, and interests established and made sure by this present Act had been before the making of this Act firm and effectual in law: Saving to every person and persons, bodies politick and corporate, their heirs and successors (other than his most excellent Majesty, his heirs and successors), all such rights, title, interest, estate, rents, commons, customs, duties, profits, and other claims and demands whatsoever into or out of the said manors, lands, tenements, tythes, or hereditaments as they or any of them had or ought to have had before the passing of this Act, anything in this Act to the contrary notwithstanding.

When rents shall be paid to his Majesty within 60 years, they shall remain payable.

V. PROVIDED also, and be it enacted, that where any fee farm rent or other rent or rents have been or shall be answered and actually paid to the King's Majesty, or to any of his predecessors, heirs, or successors, within the space of sixty years next before any action, bill, plaint, information, commission, or other suit or proceeding shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, out of any manors, lands, tenements, tythes, or hereditaments, of which manors, lands, tenements, tythes, or hereditaments the estates, rights or interests being defective are established and made sure by this present Act, that his Majesty, his heirs and successors, shall from henceforth for ever have, hold, and enjoy the said rents

and arrearages thereof in such manner and form and as fully and as amply as the same are or were enjoyed at any time within the said space of sixty years.

Where rents, &c. are due to his Majesty out of rectories, &c., rectors, &c. having actual cure of souls shall not be liable for arrears thereof accrued before the commencement of their title.

VI. AND be it further enacted, that in all cases where any rents or other dues in the nature or lieu of rents now are or shall hereafter become due and payable to his Majesty, his heirs and successors, out of or chargeable upon any rectories, vicarages, curacies, or other ecclesiastical benefices, or payable by the rectors, vicars, curates, or other ecclesiastical persons, the incumbents thereof respectively having respectively actual cure of souls, such rectors, vicars, curates, or other ecclesiastical persons, or any of them, shall not be subject or liable to, or compellable to pay or satisfy to his Majesty, his heirs or successors, any arrear or arrears of such rent or rents or other dues which shall have accrued or shall hereafter accrue due and payable before the accruing of the title of such rector, vicar, curate, or other ecclesiastical person to such rectories, vicarages, curacies, or other ecclesiastical benefices aforesaid; and that no distress, action, suit, or other proceeding whatsoever shall be made, brought, commenced, or prosecuted against any such rector, vicar, curate, or other ecclesiastical person during his life, or against his lands, tenements, goods, or chattels after his death, for any such arrear, or any part thereof.

CHAPTER LV.

AN ACT for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes.[a] [1st June 1808.]

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, thinking it expedient that the duties granted by two Acts of the forty-third and forty-fifth years of the reign of your Majesty should be consolidated with the additional duties granted on the amount of the said duties by an Act of the forty-sixth year of the reign of your Majesty, have, towards raising the necessary supplies to defray your Majesty's public expenses, and making a permanent addition to the public revenue of Great Britain, freely and voluntarily resolved to grant certain additional duties to be also consolidated with the said former duties, in the manner and to the amount contained in the respective schedules hereunto annexed; and we do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of April one thousand eight hundred and eight, in that part of Great Britain called England, the dominion of Wales, and town of Berwick-upon-Tweed, and from and after the term of Whitsunday one thousand eight hundred and eight, in that part of Great Britain called Scotland, in lieu and instead of the duties granted by or contained in the said several recited Acts, and herein-after repealed, and for the purpose of making such permanent increase as aforesaid, there shall be assessed, raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, upon houses,

43 Geo. 3. c. 161. 45 Geo. 3. c. 13. 46 Geo. 3. c. 78.

Duties in the schedules to this Act shall be levied instead of former duties.

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[a] So much of this Act as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive, rep., so far as relates to the metropolis, 32 & 33 Vict. c. 67. s. 77.

windows, and lights, as set forth in the schedule to this Act annexed marked (A.), and upon inhabited houses as set forth in the schedule to this Act annexed marked (B.), ... the several new and consolidated duties respectively inserted, described, and set forth in the said several schedules respectively marked as aforesaid; which several schedules, and the duties therein respectively contained, and the rules therein respectively mentioned shall be deemed and construed a part of this Act, as if the same were incorporated therewith, and under a special enactment. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

* * * * * * * * *

How duties shall be assessed and collected, &c.

V. AND be it further enacted, that the said consolidated and new duties shall be assessed, raised, levied, paid, and accounted for under the provisions and regulations of the several Acts herein-after mentioned respectively, and as the same are respectively applicable to Great Britain or the respective parts of Great Britain before mentioned; videlicet, one Act passed in the forty-third year of the reign of his present Majesty, intituled "An Act for consolidating certain of the provisions contained in any Act or "Acts relating to the duties under the management of the commissioners for the affairs "of taxes, and for amending the same," one other Act passed in the same year of the reign of his present Majesty, intituled "An Act for consolidating certain of the pro- "visions contained in any Act or Acts relating to the duties under the management "of the commissioners for the affairs of taxes, and for amending the said Acts so far as "the same relate to that part of Great Britain called Scotland," one other Act passed in the same year of the reign of his present Majesty, intituled "An Act for repealing "the several duties under the management of the commissioners for the affairs of "taxes, and granting new duties in lieu thereof, for granting new duties in certain "cases therein mentioned, for repealing the duties of excise on licences, and on "carriages constructed by coachmakers, and granting new duties thereon, under the "management of the said commissioners for the affairs of taxes, and also new duties "on persons selling carriages by auction or on commission," three other Acts passed in the forty-fifth year of the reign of his present Majesty, one thereof intituled "An "Act for explaining and amending an Act made in the forty-third year of his present "Majesty, for consolidating certain of the provisions contained in any Act or Acts "relating to the duties under the management of the commissioners for the affairs of "taxes, and for amending the same, so far as relates to the power of acting as commis- "sioners in certain districts," one other thereof intituled "An Act to amend the "several laws relating to the duties under the management of the commissioners for "the affairs of taxes," and the other thereof intituled "An Act to amend so much of "an Act of the forty-third year of his present Majesty, for consolidating certain of the "provisions of the Acts relating to the duties in Scotland, under the management of "the commissioners for the affairs of taxes, as relates to the appointment of assessors "and sub-collectors, and the notices required to be delivered to persons assessed to the "said duties," and one other Act passed in the forty-sixth year of the reign of his present Majesty, intituled "An Act to grant certain allowances out of the duties under "the management of the commissioners for the affairs of taxes to persons in respect of "the number of their children"; and this Act shall be construed in such manner and to the like effect in all respects as if the duties hereby granted and mentioned in the respective schedules hereto annexed were expressly granted under and subject to the several provisions, allowances, and penalties in the said several Acts contained, and as if the several provisions, allowances, and penalties were expressly enacted in this Act; and that from the respective periods herein-before prescribed for the commencement of the said duties the schedules to this Act annexed shall be used and practised in ascertaining and charging the several rates of duty in lieu of the several schedules for the like purposes contained in any of the said Acts before mentioned, which last-mentioned schedules, and the rules and exemptions therein contained, shall from thenceforth respectively cease and determine [Rep., Stat. Law Rev. Act, 1872 (No. 2).]; . . . .

43 Geo. 3. c. 99.

43 Geo. 3. c. 150.

43 Geo. 3. c. 161.

45 Geo. 3. c. 5.

45 Geo. 3. c. 71.

45 Geo. 3. c. 95.

46 Geo. 3. c. 84.

Application of schedules to this Act.

Allowances to receivers general, collectors, and clerks.

[VII.[a]] AND be it further enacted, that every receiver general shall have an allowance of three halfpence in the pound for all monies which shall be by him received and paid into the receipt of Exchequer, or duly accounted for according to the course of his Majesty's Exchequer [Rep., Stat. Law Rev. Act, 1861.]; and that

[a] This section is rep., so far as it relates to Schedule (L.), Stat. Law Rev. Act, 1872 (No. 2).]

every collector shall have threepence in the pound for what money he shall pay to the receiver general or his deputy or deputies, within the time limited by the several Acts herein mentioned, for all the duties granted by this Act, save and except the duties granted and contained in Schedule (L.) annexed to this Act, for which other compensation is hereby directed to be made to such collector, and also for what money such collector shall pay out of such duties, except as aforesaid, to any person or persons in pursuance of any other Act or Acts of Parliament, and shall duly account to such receiver general or his deputy for such payments; and that for the careful writing and transcribing all and every the assessments, duplicates, warrants, and estreats in due time and for the due speedy and effectually executing all matters and things directed to be done or performed by or under the commissioners acting in the execution of the several Acts relating to the duties contained in this Act then in force, the clerk of the said respective commissioners who shall perform the same within the respective times limited by the said Acts shall, by warrant under the hands of two or more of the commissioners of each district respectively, have and receive from the respective receivers general, their deputy or deputies, the respective sums herein-after limited for every pound of all such monies of the said duties as he or they shall have received by virtue of the assessments of the said commissioners respectively, who is and are hereby appointed and allowed to pay the same accordingly; provided the said several Acts be carried into execution in due time, and in an effectual manner, for the division in which he shall be appointed the clerk, and all warrants, assessments, estreats, and certificates be made out and delivered according to the directions of the said Acts, and the duplicates be delivered to the said receiver general, and into the office of the commissioners for the affairs of taxes, within the times limited by the said Acts, but not otherwise; that is to say, if the total amount of such allowance for one year, calculated at the rate of one penny farthing in the pound, on the monies assessed in that year, and paid to the receiver general or his deputy as aforesaid, shall amount to one hundred pounds or upwards, then such clerk shall not be entitled to receive any further or greater allowance than at the rate of one penny farthing in the pound of the said monies so paid: Provided also, that if the total amount of the monies of the said duties received by such receiver general or his deputy for one year in any district of commissioners shall exceed ninety-six thousand pounds, then the clerk of such district shall have an allowance at the rate of one penny farthing in respect of every pound of the said ninety-six thousand pounds, part thereof, and a further allowance at the rate of one half of one penny farthing for every pound of the said monies exceeding ninety-six thousand pounds; and if the total amount of such allowance, calculated at the rate of one penny farthing in the pound on the said monies, shall not amount to one hundred pounds, then such clerk shall be entitled to receive an allowance at the rate of three halfpence in the pound of the monies so paid, so as that the allowance, calculated as last aforesaid, shall in no case be granted to any greater amount than one hundred pounds per annum.

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[The SCHEDULES referred to by the Act of the 48th Year of his present Majesty's Reign.

SCHEDULE (A.) [a]

A SCHEDULE of the DUTIES made payable for every DWELLING HOUSE within and throughout Great Britain, according to the Number of WINDOWS or LIGHTS in each Dwelling House and the Offices to be charged therewith.

. . . . . .

RULES for charging Windows or Lights.

. . . . . .

V. WHERE any change in the occupation of any house, cottage, or tenement shall take place after the assessment shall be made, then and in such case the duties hereby directed to be charged on the occupier or occupiers of houses, cottages, or tenements, for one year, shall be levied upon and paid by the occupier or occupiers, landlord or landlords, owner or owners for the time being, or on both or all of them, according to their times of possession thereof, without any new assessment, notwithstanding such change in the occupation of such house, cottage or tenement for the year that such house shall have been assessed: Provided, that where a tenant of any house, cottage, or tenement shall quit the same on the determination of the lease or demise thereof, after an assessment shall be made, and shall have given notice thereof to the assessor for the place, the duty thereon shall be discharged by the commissioners for executing this Act for the remainder of that year, in case it shall appear to the said commissioners at the end of such year that such house, cottage, or tenement shall have continued wholly unoccupied for and during the remainder of such year.

. . . . . .

SCHEDULE (B.)

A SCHEDULE of the DUTIES made payable on all INHABITED DWELLING HOUSES throughout Great Britain, according to the Value thereof, and of the Offices and Lands to be charged therewith.

. . . . . .

RULES for charging the said last-mentioned Duties.

I. THE said last-mentioned duties to be charged annually on the occupier or occupiers for the time being of every such dwelling house, being of the annual rent of five pounds or upwards, at the respective rates before mentioned, and to be levied on him, her, or them, or on his, her, or their respective executors or administrators, and in like manner in case of a change in the occupation thereof as is before directed in respect of the duties on windows or lights, ...

II. EVERY coach-house, stable, brewhouse, wash-house, laundry, woodhouse, bakehouse, dairy, and all other offices, and all yards, courts, and curtilages, and gardens, and pleasure grounds, belonging to and occupied with any dwelling house, shall in charging the said duties be valued together with such dwelling house; provided no more than one acre of such gardens and pleasure grounds shall in any case be so valued.

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[a] Rep., except Rule V. so far as the same is applicable to Rule I. of Schedule (B.), Stat. Law Rev. Act, 1872 (No. 2).]

III. ALL shops and warehouses which are attached to the dwelling house or have any communication therewith shall in charging the said duties be valued together with the dwelling house and the household and other offices aforesaid thereunto belonging (except such warehouses and buildings upon or near adjoining to wharfs, which are occupied by persons who carry on the business of wharfingers, and who have dwelling houses upon the said wharfs for the residence of themselves or servants employed upon the said wharfs).

AND also except such warehouses as are distinct and separate buildings and not parts or parcels of such dwelling houses, or the shops attached thereto, but employed solely for the purpose of lodging goods, wares, and merchandise, or for carrying on some manufacture (notwithstanding the same may adjoin to or have communication with the dwelling house or shop).

IV. EVERY chamber or apartment in any of the Inns of Court, or of Chancery, or in any college or hall in any of the universities of Great Britain, being severally in the tenure or occupation of any person or persons, shall be charged thereto as an entire house, and on the respective occupiers thereof.

V. EVERY hall or office whatever belonging to any person or persons, or to any body or bodies politic or corporate, or to any company, that are or may be lawfully charged with the payment of any other taxes or parish rates, shall be subject to the duties hereby made payable as inhabited houses; and the person or persons, bodies politic or corporate, or company to whom the same shall belong shall be charged as the occupier or occupiers thereof.

VI. WHERE any house shall be let in different stories, tenements, lodgings, or landings, and shall be inhabited by two or more persons or families, the same shall nevertheless be subject to and shall in like manner be charged to the said duties as if such house or tenement was inhabited by one person or family only, and the landlord or owner shall be deemed the occupier of such dwelling house, and shall be charged to the said duties: Provided, that where the landlord shall not reside within the limits of the collector, or the same shall remain unpaid by such landlord for the space of twenty days after the same is due, the duties so charged may be levied on the occupier or occupiers respectively; and such payments shall be deducted and allowed out of the next payment on account of rent.

VII. NO dwelling house or other such premises as aforesaid shall be estimated or rated at any less annual value than the rent or value at which the same premises stand charged in the last rate made on or before the time of making the assessment for the relief of the poor in the same parish or place.

VIII. IN case the said poor rate shall have been made throughout by a pound rate on the full annual value of all the dwelling houses in the same parish or place, then such assessment shall be made according to the said rate; and the assessors appointed or to be appointed for the said duties shall in making their assessments on different dwelling houses in the same parish or place in all such cases as aforesaid observe the same rule of proportion between the assessment of the duties granted by this Act thereon, as shall have been observed in making such poor rate as to all the premises aforesaid rated in such poor rate.

IX. IN case the said poor rate shall have been made on any proportionate part of such value, then such assessors shall assess the same at the same sums respectively as they would have been assessed at by virtue of this Act, if the

EXEMPTIONS.

CASE I. Any house belonging to his Majesty or any of the royal family, and every public office for which the duties heretofore payable have been paid by his Majesty or out of the public revenue.

. . . . . .

CASE IV. Any hospital, charity school, or house provided for the reception or relief of poor persons.

CASE V. Every house whereof the keeping is or shall be committed or left to the care or charge of any person or servant who doth not pay rates to the church and poor, and who resides therein for the purpose only of taking care thereof: Provided, that an assessment shall be duly made in every such case, and the fact be truly returned in the manner directed by this Act in other cases of exemption from the said duties, and the exemption be allowed by the commissioners for executing this Act.

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CHAPTER LVIII.

AN ACT for amending the Law with regard to the Course of Proceeding on Indictments and Informations in the Court of King's Bench in certain Cases; for authorizing the Execution in Scotland of certain Warrants issued for Offences committed in England; and for requiring Officers taking Bail in the King's Suit to assign the Bail Bonds to the King. [1st June 1808.]

WHEREAS the provisions contained in two Acts of the twenty-sixth and thirty-fifth years of his present Majesty's reign, for amending the law with regard to the course of proceeding on indictments and informations in the Court of King's Bench in certain cases relating to the public revenue have been found beneficial, and it is expedient to extend the same to other cases: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whenever any person shall be charged with any offence for which he or she may be prosecuted by indictment or information in his Majesty's Court of King's Bench, not being treason or felony, and the same shall be made appear to any judge of the same court by affidavit, or by certificate of an indictment or information being filed against such person in the said court for such offence, it shall and may be lawful for such judge to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended and brought before him or some other judge of the same court, or before some one of his Majesty's justices of the peace, in order to his or her being bound to the King's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such judge or justice respectively to commit such person to the common gaol of the county, city, or place where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be dis-

Bail bonds in cases where persons are charged with any offence for which they may be prosecuted by indictment, &c. in the Court of King's Bench, not being treason or felony.

Process on forfeiture of such bail bonds.

thereupon [Rep., Stat. Law Rev. Act 1872 (No. 2).] ; and if such bail bond be forfeited, such process shall thereupon issue as on bonds originally made to the King's Majesty, his heirs and successors, and the court in which such bail bond is put in suit may by rule or rules of the same court give such relief to the defendant or defendants as is agreeable to justice and reason.

CHAPTER LXXV.

AN ACT for providing suitable Interment in Churchyards or Parochial Burying Grounds in England for such dead Human Bodies as may be cast on Shore from the Sea, in cases of Wreck or otherwise. [18th June 1808.]

WHEREAS no provision hath yet been made by the laws now in force for providing suitable interment in churchyards or parochial burying grounds for such dead human bodies as may be cast on shore from the sea, by wreck or otherwise, in that part of the United Kingdom called England: And whereas it is expedient that provision should be made for the decent interment of such bodies: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the churchwarden and churchwardens, overseer and overseers of the poor for the time being of the respective parishes throughout England, in which any dead human body or dead human bodies shall be found thrown in or cast on shore from the sea by wreck or otherwise, shall and he and they is and are hereby required, upon notice to him or them given that any such body or bodies are thrown in or cast on shore by the sea, and is or are lying within the bounds of the parish for which he or they shall be churchwarden or churchwardens, overseer or overseers of the poor, to cause the same to be forthwith removed to some convenient place, and with all convenient speed to cause such body or bodies to be decently interred in the churchyard or burial ground of such parish, so that the expences attending on such burial do not exceed the sum which at that time is allowed in such parish for the burial of any person or persons buried at the expence of such parish: Provided always, that in case any such body or bodies shall be thrown in or cast on shore from the sea in any extra-parochial place where there is no churchwarden or churchwardens, overseer or overseers of the poor, then and in every such case the constable or headborough of such place shall, on notice being given to him that such body or bodies is or are lying in such extra-parochial place, forthwith cause such body or bodies to be removed to some convenient place, and with all convenient speed cause the same to be buried in such and the like manner as the churchwardens and overseers within England are hereby required to bury such body or bodies.

In cases where dead human bodies shall be cast on shore, churchwardens, &c. of the parish where the body shall be found shall cause the same to be removed and interred in a decent manner in the churchyard of such parish.

Proviso for extra-parochial places.

II. AND be it further enacted, that every minister, parish clerk, and sexton of such respective parishes shall perform their several and respective duties in such and the like manner as is customary in other funerals, and shall admit of such body or bodies being interred in such churchyards or burial grounds without any improper loss of time, receiving for the same, by way of compensation, such and the like sums as in cases of burials made at the expence of such parishes.

Minister of the parish to perform the funeral service, &c.

Reward to persons finding dead human bodies cast on shore, and giving notice thereof to parish officers.

III. AND be it further enacted, that in case any person or persons shall find any such body or bodies cast on shore from the sea by wreck or otherwise, and shall within six hours thereafter give notice thereof to some one of the churchwardens or overseers of the poor of the parish for the time being in which such body or bodies shall be found, or to the constable or headborough for the time being, in case such body or bodies shall be found in any extra-parochial place, or cause such notice to be left at his or their last or usual place or places of abode, then and in every such case such person or persons shall receive the sum of five shillings for his, her, or their trouble, such sum to be forthwith paid to the person or persons first giving such notice only; but nevertheless that no greater sum than five shillings shall be paid for any one notice, although there may be a greater number of such bodies than one.

Penalty on persons finding dead human bodies cast on shore and not giving notice thereof.

IV. PROVIDED always, and be it further enacted, that in case any person or persons shall find any such body or bodies cast on shore from the sea by wreck or otherwise, and shall not within six hours thereafter give notice to some one of the churchwardens or overseers of the poor of the parish for the time being in which such body or bodies shall be found, or to the constable or headborough for the time being, in case such body or bodies shall be found in any extra-parochial place, or cause such notice to be left at his or their last or usual place or places of abode, then and in every case such person or persons shall for every such offence forfeit and pay the sum of five pounds.

Expences to be paid by churchwardens, &c.

V. AND be it further enacted, that all necessary and proper payments, costs, charges, and expences, which shall be made or incurred in or about the execution of this Act, shall be made and paid by the churchwarden or churchwardens, overseer or overseers, constable or headborough for the time being of such respective parishes and places as aforesaid.

Reimbursement of expenses by the treasurer of the county.

VI. AND, for the purpose of reimbursing him or them all such payments, costs, charges, and expences, be it further enacted, that it shall and may be lawful to and for any one justice of the peace for the county or place within that part of the United Kingdom called England, in which any such body or bodies shall have been so removed and buried as aforesaid, by any writing under his hand, to order and direct the treasurer for such county to pay such sum or sums of money to such churchwarden and churchwardens, overseer and overseers, constable or headborough, for his or their costs and expences in or about the execution of this Act (after the same shall have been duly verified on oath) as to the said justice shall seem reasonable and necessary; and such treasurer shall and he is hereby authorized and required forthwith to pay the sum or sums of money so ordered and directed to be paid to the person or persons empowered to receive the same; and such treasurer shall be allowed the same in his accounts.

Penalty on parish officers neglecting to remove and inter dead human bodies cast on shore.

VII. PROVIDED always, and be it enacted, that in case any such churchwarden or churchwardens, overseer or overseers, constable or headborough shall refuse or neglect to remove or cause to be removed such body or bodies from the sea shore to some convenient place prior to the interment thereof, for the space of twelve hours after such notice given to him or them, or left in writing at his or their last or usual place or places of abode by any person or persons whomsoever, or shall neglect or refuse to perform the several other duties required of him and them by this Act, then and in every such case

every such churchwarden or overseer, constable or headborough, shall for every such offence forfeit and pay the sum of five pounds.

Recovery of penalties under this Act.

VIII. AND be it further enacted, that all penalties and forfeitures which shall be incurred under this Act, if not paid on conviction, shall be levied and recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of any justice of the peace for the county or place where the offence shall happen (which warrant such justice is hereby empowered to grant on the confession of the party, or upon the evidence of any credible witness upon oath), and the surplus of the money arising by such distress and sale shall be returned on demand to the owner of such goods and chattels, after deducting the costs and charges of making, keeping, and selling the distress; and such penalties and forfeitures, when recovered, shall be paid to the informer or informers; and in case sufficient distress shall not be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justice, and he is hereby authorized and required, by warrant under his hand and seal to cause the offender or offenders to be committed to the common gaol or house of correction of such county or place, there to remain without bail or mainprize for any time not exceeding two calendar months, nor less than fourteen days, unless such penalties and forfeitures and all reasonable charges attending the recovery thereof shall be sooner fully paid and satisfied.

IX. AND be it further enacted, that in all cases where any conviction shall be had for any offence or offences committed against this Act or against any order of sessions or any matter in pursuance of this Act, the form of conviction shall be in the words or to the effect following; (that is to say),

Form of conviction.

'BE it remembered, that on this day of in the year of the reign of A.B. is convicted before one of his Majesty's justices of the peace for the of having [as the offence shall be], and I the said do adjudge him [or, them] to forfeit and pay for the same the sum of . Given under my hand and seal the day and year aforesaid.'

Appeal to the quarter sessions.

X. PROVIDED always, and be it enacted, that if any person or persons shall think himself, herself, or themselves aggrieved by any judgment or determination, or by any matter or thing done in pursuance of this Act, such person or persons may appeal to the justices of the peace at the first general or quarter sessions of the peace to be holden for the county or place (within which the matter of appeal shall arise) next after the expiration of one calendar month from the time such matter of appeal shall have arisen, the person or persons appealing having first given ten days notice at least of his or their intention to bring such appeal and of the matter thereof to the person or persons so appealed against, and forthwith after such notice entering into a recognizance before some justice of the peace for such county or place, with sufficient sureties conditioned to try such appeal and abide the order and award of the said court thereon; and the said justices at such sessions, upon due proof of such notice and recognizance having been given and entered into, are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to make such determination therein, and to award such costs to either of the parties or otherwise, as they shall judge

proper; and the said justices may if they see cause mitigate any fine, penalty, or forfeiture, and may also order such further satisfaction to be made to the party injured as they shall judge reasonable; and all such determinations of the said justices shall be final, binding, and conclusive upon all parties to all intents and purposes whatsoever.

Proceedings for distress not to be deemed unlawful for want of form, &c.

XI. AND be it further enacted, that where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the party or parties distrained be deemed a trespasser or trespassers ab initio on account of any irregularity that shall be afterwards done by the party or parties so distraining; but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action upon the case.

Penalties to be paid by persons incurring the same, and not by the parish.

XII. PROVIDED always, and be it further enacted, that all penalties and expences attendant thereon, which shall be incurred under the provisions of this Act, shall be paid and borne by the person or persons incurring the same, and that the parish or place wherein such person or persons ought to have acted in the duties prescribed by this Act shall be wholly exempted therefrom.

Lords of manors, &c. may pay the same fee as heretofore for interring dead human bodies, &c.

XIII. WHEREAS in cases of dead wrecks wherein no living person is found or owner known, the lords of manors on which any such dead body or dead bodies may be washed in, and who are entitled to wreck there, have usually paid a small fee for the placing such body or bodies in the ground in the state in which the same have been found, and such payments have been adduced and admitted as proof on trials at common law of the right of such lords of manors to wrecks in such manors: Be it therefore enacted, that in all and every such cases it shall and may be lawful to and for all and every lord or lords of any manor or manors throughout England to pay or cause to be paid to the churchwarden or churchwardens, overseer or overseers, constable or headborough of such respective parishes and places as aforesaid, such and the like sums as he or they was or were heretofore accustomed to pay for the placing any such body or bodies into the ground as aforesaid; such sums to go in part payment and discharge of the costs and expences to be incurred in or about the execution of this Act, and credit to be given for the same by such overseers, churchwardens, constable or headborough, in their accounts with the county to which such accounts shall be submitted, anything in this Act to the contrary thereof in anywise notwithstanding.

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CHAPTER LXXXVIII.

AN ACT to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum in England. [23d June 1808.]

WHEREAS various notes, bills of exchange, and drafts for money for very small sums have for some time past been circulated or negotiated in lieu of cash within that part of Great Britain called England to the great prejudice of trade and public credit, and many of such bills and drafts being payable under certain terms and restrictions which the poorer sort of manufacturers, artificers, labourers, and others cannot comply with, otherwise than by being subject to great extortion and abuse:

Recital of 15 Geo. 3. c. 51.

And whereas an Act passed in the fifteenth year of the reign of his present Majesty, intituled "An Act to restrain the negotiation of promissory notes and inland bills of "exchange under a limited sum within that part of Great Britain called England," for preventing the circulating such notes and drafts: And whereas doubts have arisen as to the power of justices of the peace to hear and determine offences under the said Act; and it is therefore expedient that more effectual provisions should be made for enforcing the provisions of the said Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said recited Act shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Recited Act repealed.

Promissory notes, &c. for less than 20*s.* void.

II. AND be it further enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing being negotiable or transferable for the payment of any sum or sums of money, or any orders, notes, or undertakings in writing being negotiable or transferable for the delivery of any goods, specifying their value in money, less than the sum of twenty shillings in the whole, heretofore made or issued, or which shall hereafter be made or issued, shall from and after the first day of October one thousand eight hundred and eight be and the same are hereby declared to be absolutely void and of no effect; any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding.

Persons uttering or negotiating such notes, &c. for less than 20*s.* shall forfeit not exceeding 20*l.*, nor less than 5*l.*

III. AND be it further enacted, that if any person or persons shall after the first day of July one thousand eight hundred and eight by any art, device, or means whatsoever publish or utter any such notes, bills, drafts, or engagements as aforesaid, for a less sum than twenty shillings, or on which less than the sum of twenty shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, at the discretion of the justice of the peace who shall hear and determine such offence.

Justices empowered to hear and determine offences.

IV. AND be it further enacted, that it shall be lawful for any justice or justices of the peace acting for the county, riding, city, or place within which any offence against this Act shall be committed, to hear and determine the same in a summary way at any time within twenty days after such offence shall have been committed; and such justice or justices upon any information exhibited or complaint made upon oath in that behalf shall summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party or by the oath of one or more credible witness or witnesses, or otherwise (which oath such justice or justices is or are hereby authorized to administer), shall convict the offender, and adjudge the penalty for such offence.

Penalty on witnesses not attending.

V. AND be it further enacted, that if any person shall be summoned as a witness to give evidence before such justice or justices, either on the part of the prosecutor or the person accused, and shall neglect or refuse to appear at the time or place to be for that purpose appointed, without a reasonable excuse for such his neglect or refusal to be allowed by such justice or justices, then such person shall forfeit for every such offence the sum of forty shillings, to be levied and paid in such manner and by such means as are directed for recovery of other penalties under this Act.

VI. AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following; (that is to say,)

Form of conviction.

'BE it remembered, that on the day of in the year of our Lord A.B. having appeared before me [or us], 'one [or more] of his Majesty's justices of the peace [as the case may be] for 'the county, riding, city, or place [as the case may be], and due proof having 'been made upon oath by one or more credible witness or witnesses, or by 'confession of the party [as the case may be], is convicted of '[specifying the offence]. Given under my hand and seal [or, our hands and 'seals] the day and year aforesaid.'

Convictions to be returned to the quarter sessions.

Which conviction the said justice or justices shall cause to be returned to the then next general quarter sessions of the peace of the county, riding, city, or place where such conviction was made, to be filed by the clerk of the peace, to remain and be kept among the records of such county, riding, city, or place.

Clerks of the peace to give copies of convictions on payment of 1s.

VII. PROVIDED always, and be it further enacted, that it shall be lawful for any clerk of the peace for any county, riding, city, or place, and he is hereby required, upon application made to him by any person or persons for that purpose, to cause a copy or copies of any conviction or convictions filed by him under the directions of this Act to be forthwith delivered to such person or persons upon payment of one shilling for every such copy.

Application of penalties and recovery thereof by distress.

VIII. AND be it further enacted, that the pecuniary penalties and forfeitures hereby incurred and made payable upon any conviction against this Act shall be forthwith paid by the person convicted, as follows; one moiety of the forfeiture to the informer, and the other moiety to the poor of the parish or place where the offence shall be committed; and in case such person shall refuse or neglect to pay the same, or to give sufficient security to the satisfaction of such justice or justices to prosecute any appeal against such conviction, such justice or justices shall by warrant under his or their hand and seal or hands and seals cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale, returning the overplus (if any) to the owner; and which said warrant of distress the said justice or justices shall cause to be made out in the manner and form following; (that is to say,)

Form of the warrant of distress.

'To the constable, headborough, or tythingman of

'WHEREAS A.B. of in the county of is this day 'convicted before me [or us], one [or more] of his Majesty's justices of 'the peace [as the case may be] for the county of [or for the 'riding of the county of York, or for the town, liberty, or district of '[as the case may be], upon the oath of or a credible 'witness or witnesses [or by confession of the party, as the case may be] for 'that the said A.B. hath [here set forth the offence] contrary to the statute 'in that case made and provided, by reason whereof the said A.B. hath for-'feited the sum of to be distributed as herein is mentioned, which 'he hath refused to pay: These are therefore, in his Majesty's name, to com-'mand you to levy the said sum of by distress of the goods and 'chattels of him the said A.B., and if within the space of five days next after 'such distress by you taken, the said sum, together with the reasonable charges 'of taking the same, shall not be paid, then that you do sell the said goods

'and chattels so by you distrained, and out of the money arising by such sale 'that you do pay one-half of the said sum of to of 'who informed me [or us, as the case shall be] of the said 'offence, and the other half of the said sum of to the overseer of 'the poor of the parish, township, or place where the offence was committed, 'to be employed for the benefit of such poor, returning the overplus (if any) 'upon demand to the said A.B., the reasonable charges of taking, keeping, 'and selling the said distress being first deducted; and if sufficient distress 'cannot be found of the goods and chattels of the said A.B. whereon to levy 'the said sum of that then you certify the same to me [or us, as 'the case shall be], together with this warrant. Given under my hand and 'seal [or our hands and seals] the day of in the year of 'our Lord

Offenders may be detained in custody until return of the warrant, unless they give security.

IX. AND be it further enacted, that it shall be lawful for such justice or justices to order such offender to be detained in safe custody until return may conveniently be had and made to such warrant of distress, unless the party so convicted shall give sufficient security to the satisfaction of such justice or justices for his appearance before the said justice or justices on such day as shall be appointed by the said justice or justices for the day of the return of the said warrant or distress (such day not exceeding five days from the taking of such security); which security the said justice or justices is and are hereby empowered to take by way of recognizance or otherwise.

Offenders may be committed for want of distress.

X. AND be it further enacted, that if upon such return no sufficient distress can be had, then and in such case the said justice or justices shall and may commit such offender to the common gaol or house of correction of the county, riding, division, or place where the offence shall be committed for the space of three calendar months, unless the money forfeited shall be sooner paid, or unless or until such offender, thinking him or herself aggrieved by such conviction, shall give notice to the informer that he or she intends to appeal to the justices of the peace at the next general quarter sessions of the peace to be holden for the county, riding, or place wherein the offence shall be committed, and shall enter into recognizance before some justice or justices, with two sufficient sureties, conditioned to try such appeal, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions (which notice of appeal, being not less than eight days before the trial thereof, such person so aggrieved is hereby empowered to give); and the said justices at such sessions, upon due proof of such notice being given as aforesaid and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper; and the determination of such quarter session shall be final, binding, and conclusive to all intents and purposes.

* * * * * * * * *

Convictions not to be quashed for want of form or removed by certiorari, &c.

XII. PROVIDED always, that no proceedings to be had touching the conviction or convictions of any offender or offenders against this Act shall be quashed for want of form, or be removed by writ of certiorari or any other writ or process whatsoever into any of his Majesty's courts of record at Westminster.

Limitation of actions, &c.

XIII. AND be it further enacted, that if any action or suit shall be commenced against any person or persons for anything done or acted in pursuance

of this Act, then and in every such case such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought within the county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought or laid in any other place than as afore-mentioned, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof as any defendant or defendants hath or have in any other cases by law [Rep., 5 & 6 Vict. c. 97. s. 2.].

CHAPTER CIII.

AN ACT for further extending the Provisions of several Acts for establishing the Bank of Ireland; and for empowering the Governor and Company of the said Bank to advance the Sum of One million two hundred and fifty thousand Pounds, Irish Currency, towards the Service of the Year One thousand eight hundred and eight. [25th June 1808.]

Most gracious Sovereign,

WHEREAS in pursuance of an Act passed in the Parliament of Ireland in the twenty-first and twenty-second years of his present Majesty's reign, intituled "An Act for establishing a bank by the name of The Governor and Company of the Bank of Ireland," the sum of six hundred thousand pounds was subscribed and paid by debentures issued from his Majesty's Treasury of Ireland; and the persons who subscribed and paid the same were, by letters patent under the great seal of Ireland, incorporated by the name of "The Governor and Company of the Bank of Ireland," to have perpetual succession, subject to a proviso or condition of redemption in the said recited Act contained: And whereas by an Act passed in the Parliament of Ireland in the thirty-first year of his present Majesty's reign, for extending the provisions of the said Act of the twenty-first and twenty-second years of his Majesty's reign, the said governor and company were empowered to receive subscriptions for enlarging their aforesaid capital stock or fund of six hundred thousand pounds, in any sum not exceeding the sum of four hundred thousand pounds, so as to make their whole capital stock the sum of one million: And whereas the said further sum of four hundred thousand pounds was accordingly subscribed and paid: And whereas by the said recited Act of the thirty-first year aforesaid, so much of the said Act of the twenty-first and twenty-second years of his present Majesty's reign as related to the ceasing and determining of the said corporation was repealed, and it was provided that the said corporation might be dissolved upon twelve months notice after the first day of January one thousand eight hundred and sixteen upon the terms and conditions in the Act of the thirty-first year aforesaid mentioned and specified:

Irish Acts, 21 & 22 Geo. 3. c. 16.

s. 20.

31 Geo. 3. c. 22.

s. 2.

37 Geo. 3. c. 50. And whereas by an Act made in the Parliament of Ireland in the thirty-seventh year of his present Majesty's reign, for further extending the provisions of the said recited Act of the twenty-first and twenty-second years, the said governor and company were empowered to receive subscriptions for enlarging the said capital stock or fund of one million in any sum not exceeding the further sum of five hundred thousand pounds capital stock, so as to make the whole capital stock the sum of one million five hundred thousand pounds; and the said further sum of five hundred thousand pounds was accordingly ss. 6, 7. subscribed and paid; and by the said recited Act of the thirty-seventh year aforesaid it was provided that the said sum of five hundred thousand pounds should be paid into the receipt of his Majesty's Exchequer of Ireland as a loan, and that there should be paid from the Exchequer of Ireland to the said governor and company an interest or annuity of twenty-five thousand pounds, being a sum equal to the amount of the whole interest on the said sum of five hundred thousand pounds after the rate of five pounds per centum per annum; and also that there should be paid from the said Exchequer to the said governor and company a further annuity of three pounds twelve shillings and sixpence for every one hundred pounds of the said five hundred thousand pounds for nineteen years, from the twenty-fourth day of June one thousand s. 10. seven hundred and ninety-seven; and by the said recited Act of the thirty-seventh year aforesaid, an annuity or yearly sum of thirty thousand pounds was made payable to the said governor and company for the before-mentioned sum of six hundred thousand pounds: And whereas it will promote the extension of public credit and tend to the furtherance of commerce in Ireland if the capital stock of the said bank were increased by the addition of a further sum not exceeding the sum of one million, and if the term for the determining of the said corporation were extended upon the terms and conditions herein-after mentioned: And whereas the said governor and company are willing and have agreed to advance towards the supply granted to your Majesty for the service of Ireland, for the year one thousand eight hundred and eight, the sum of one million two hundred and fifty thousand pounds, Irish currency, upon the terms and conditions herein-after in that behalf mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much and such part of the provisions contained in the said recited Act of the Parliament of Ireland made in the thirty-first year of his present Majesty's reign as relates to the determining of the annuity in the said Act mentioned, and to the dissolving of the said corporation of the governor and company of the Bank of Ireland, upon the notice and payments in the said Act mentioned, shall be and the same is hereby repealed; and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] that the said governor and company of the Bank of Ireland, and their successors for ever, shall remain, continue, and be one body corporate and politick, by the name of The Governor and Company of the Bank of Ireland aforesaid, and shall for ever have, receive, and enjoy the said several annuities of thirty thousand pounds and twenty-five thousand pounds in the said recited Act of the thirty-seventh year aforesaid mentioned, and shall also have, receive, and enjoy the said annuity after the rate of three pounds twelve shillings and sixpence for every one hundred pounds of the said sum of five hundred thousand pounds, for nineteen years from the twenty-fourth day of June one thousand seven hundred and ninety-seven in the said last recited Act also mentioned [Rep., Stat. Law Rev. Act, 1872 (No. 2).], together with all abilities, capacities, powers, authorities,

So much of 31 Geo. 3. c. 22. as relates to the determining of the annuity therein mentioned, and to the dissolving the Bank repealed.

Bank shall remain a corporation.

franchises, exemptions, privileges, profits, and advantages whatsoever, to which the said governor and company of the Bank of Ireland now are or before the passing of this Act were entitled by the said several herein-before recited Acts or any of them, and by their charter; and the said governor and company and their successors shall be and are hereby freed and discharged from the said condition of redemption: . . . . . .

This Act not to affect Irish Act, 33 Geo. 3. c. 21.

II. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be deemed or taken to extend in anywise to alter, prejudice, or affect the construction, effect, or operation of the Act of the Parliament of Ireland of the thirty-third year of the reign of his Majesty, intituled "An Act for the relief of his Majesty's Popish or Roman Catholic "subjects of Ireland," touching any right or privilege whatsoever, of which his Majesty's said subjects are by the said Act rendered capable.

Bank empowered to increase their capital by one million additional stock.

III. AND be it further enacted, that it shall and may be lawful for the said governor and company of the Bank of Ireland, and they are hereby authorized and empowered, so soon as they shall think proper, to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their capital stock or fund of one million five hundred thousand pounds, so as to make the whole capital stock the sum of two millions five hundred thousand pounds, and for providing a further sum of two hundred and fifty thousand pounds towards completing the aforementioned sum of one million two hundred and fifty thousand pounds, provided the whole thereof shall be subscribed and paid on or before the twenty-fourth day of June one thousand eight hundred and nine, which subscriptions shall be made at the rate of one hundred and twenty-five pounds, Irish currency, for every one hundred pounds of such additional stock; and the money for such additional stock shall be paid in such manner and form and by such instalments or proportions as the court of directors of the said bank shall from time to time appoint, so as that the whole of the said subscription shall be subscribed and paid on or before the said twenty-fourth day of June one thousand eight hundred and nine; and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] the capital stock of one million subscribed and paid for shall from and after the time of such payment be deemed and taken as and for a part of the capital stock of the said corporation; and the subscribers thereto, from and after the time of making full payment for such additional stock, and their respective executors, administrators, and assigns shall at all times be members of the said corporation, and incorporated therein, and shall be entitled unto, and have, hold, and enjoy all benefits, privileges, advantages, and immunities, and be subject and liable to all regulations, rules, and orders to which the present stockholders and members of the said corporation in respect of the stock held by and belonging to them are respectively entitled, subject, and liable unto by the said several Acts of Parliament herein-before recited, or by any other Act or Acts of Parliament, grants or charters whatsoever now in force, or by any byelaw of the said corporation or otherwise howsoever; and the said additional stock shall be transferrable and assignable in like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner as the respective stockholders of the said corporation now do and hereafter shall hold and enjoy the respective sums belonging to them in the present capital stock of the said corporation; and the same shall in all respects be consolidated and united as one joint stock.

Dividends to be paid on additional stock.

IV. AND be it further enacted, that the said corporation shall and may from time to time make and pay the like dividends to the proprietors of the said additional stock, as they shall make and pay to the proprietors and

37 Geo. 3. c. 50. And whereas by an Act made in the Parliament of Ireland in the thirty-seventh year of his present Majesty's reign, for further extending the provisions of the said recited Act of the twenty-first and twenty-second years, the said governor and company were empowered to receive subscriptions for enlarging the said capital stock or fund of one million in any sum not exceeding the further sum of five hundred thousand pounds capital stock, so as to make the whole capital stock the sum of one million five hundred thousand pounds; and the said further sum of five hundred thousand pounds was accordingly ss. 6, 7. subscribed and paid; and by the said recited Act of the thirty-seventh year aforesaid it was provided that the said sum of five hundred thousand pounds should be paid into the receipt of his Majesty's Exchequer of Ireland as a loan, and that there should be paid from the Exchequer of Ireland to the said governor and company an interest or annuity of twenty-five thousand pounds, being a sum equal to the amount of the whole interest on the said sum of five hundred thousand pounds after the rate of five pounds per centum per annum; and also that there should be paid from the said Exchequer to the said governor and company a further annuity of three pounds twelve shillings and sixpence for every one hundred pounds of the said five hundred thousand pounds for nineteen years, from the twenty-fourth day of June one thousand s. 10. seven hundred and ninety-seven; and by the said recited Act of the thirty-seventh year aforesaid, an annuity or yearly sum of thirty thousand pounds was made payable to the said governor and company for the before-mentioned sum of six hundred thousand pounds: And whereas it will promote the extension of public credit and tend to the furtherance of commerce in Ireland if the capital stock of the said bank were increased by the addition of a further sum not exceeding the sum of one million, and if the term for the determining of the said corporation were extended upon the terms and conditions herein-after mentioned: And whereas the said governor and company are willing and have agreed to advance towards the supply granted to your Majesty for the service of Ireland, for the year one thousand eight hundred and eight, the sum of one million two hundred and fifty thousand pounds, Irish currency, upon the terms and conditions herein-after in that behalf mentioned: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament

So much of 31 Geo. 3. c. 22. as relates to the determining of the annuity therein mentioned, and to the dissolving the Bank repealed.

assembled, and by the authority of the same, that so much and such part of the provisions contained in the said recited Act of the Parliament of Ireland made in the thirty-first year of his present Majesty's reign as relates to the determining of the annuity in the said Act mentioned, and to the dissolving of the said corporation of the governor and company of the Bank of Ireland, upon the notice and payments in the said Act mentioned, shall be and the same is hereby repealed; and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] that the said governor and company of the Bank of Ireland, and their successors for ever, shall remain, continue, and be one

Bank shall remain a corporation.

body corporate and politick, by the name of The Governor and Company of the Bank of Ireland aforesaid, and shall for ever have, receive, and enjoy the said several annuities of thirty thousand pounds and twenty-five thousand pounds in the said recited Act of the thirty-seventh year aforesaid mentioned, and shall also have, receive, and enjoy the said annuity after the rate of three pounds twelve shillings and sixpence for every one hundred pounds of the said sum of five hundred thousand pounds, for nineteen years from the twenty-fourth day of June one thousand seven hundred and ninety-seven in the said last recited Act also mentioned [Rep., Stat. Law Rev. Act, 1872 (No. 2).], together with all abilities, capacities, powers, authorities,

franchises, exemptions, privileges, profits, and advantages whatsoever, to which the said governor and company of the Bank of Ireland now are or before the passing of this Act were entitled by the said several herein-before recited Acts or any of them, and by their charter; and the said governor and company and their successors shall be and are hereby freed and discharged from the said condition of redemption: . . . . . .

This Act not to affect Irish Act, 33 Geo. 3. c. 21.

II. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be deemed or taken to extend in anywise to alter, prejudice, or affect the construction, effect, or operation of the Act of the Parliament of Ireland of the thirty-third year of the reign of his Majesty, intituled "An Act for the relief of his Majesty's Popish or Roman Catholic "subjects of Ireland," touching any right or privilege whatsoever, of which his Majesty's said subjects are by the said Act rendered capable.

Bank empowered to increase their capital by one million additional stock.

III. AND be it further enacted, that it shall and may be lawful for the said governor and company of the Bank of Ireland, and they are hereby authorized and empowered, so soon as they shall think proper, to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their capital stock or fund of one million five hundred thousand pounds, so as to make the whole capital stock the sum of two millions five hundred thousand pounds, and for providing a further sum of two hundred and fifty thousand pounds towards completing the aforementioned sum of one million two hundred and fifty thousand pounds, provided the whole thereof shall be subscribed and paid on or before the twenty-fourth day of June one thousand eight hundred and nine, which subscriptions shall be made at the rate of one hundred and twenty-five pounds, Irish currency, for every one hundred pounds of such additional stock; and the money for such additional stock shall be paid in such manner and form and by such instalments or proportions as the court of directors of the said bank shall from time to time appoint, so as that the whole of the said subscription shall be subscribed and paid on or before the said twenty-fourth day of June one thousand eight hundred and nine; and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] the capital stock of one million subscribed and paid for shall from and after the time of such payment be deemed and taken as and for a part of the capital stock of the said corporation; and the subscribers thereto, from and after the time of making full payment for such additional stock, and their respective executors, administrators, and assigns shall at all times be members of the said corporation, and incorporated therein, and shall be entitled unto, and have, hold, and enjoy all benefits, privileges, advantages, and immunities, and be subject and liable to all regulations, rules, and orders to which the present stockholders and members of the said corporation in respect of the stock held by and belonging to them are respectively entitled, subject, and liable unto by the said several Acts of Parliament herein-before recited, or by any other Act or Acts of Parliament, grants or charters whatsoever now in force, or by any byelaw of the said corporation or otherwise howsoever; and the said additional stock shall be transferrable and assignable in like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner as the respective stockholders of the said corporation now do and hereafter shall hold and enjoy the respective sums belonging to them in the present capital stock of the said corporation; and the same shall in all respects be consolidated and united as one joint stock.

Dividends to be paid on additional stock.

IV. AND be it further enacted, that the said corporation shall and may from time to time make and pay the like dividends to the proprietors of the said additional stock, as they shall make and pay to the proprietors and

holders of the present stock of the said corporation; the first of which dividends shall commence from such time as shall be specified in the proposals or terms to be offered for such subscription by the said court of directors.

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When one million is subscribed, corporation may borrow money.

VII. AND be it further enacted, that from the time the said sum of one million shall be subscribed and paid in under the provisions of this Act, the said corporation may borrow or give security for any sum or sums, so that they shall not owe at any one time more than a sum equal to the said sums of two millions five hundred thousand pounds, and of two hundred and fifty thousand pounds; anything in the said herein-before recited Acts or any of them contained to the contrary notwithstanding.

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CHAPTER CVI.

AN ACT to remedy the Inconvenience which has arisen and may arise from the Expiration of Acts before the passing of Acts to continue the same. [25th June 1808.]

WHEREAS bills for the continuing of Acts in force only for a limited time have sometimes not passed before the expiration of the Act intended to be continued, and great inconvenience may arise therefrom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that where any bill may have been or shall be introduced into this present or any future session of Parliament for the continuance of any Act which would expire in such sessions, and such Act shall have expired before the bill for continuing the same shall have received the royal assent, such continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued as fully and effectually, to all intents and purposes, as if such continuing Act had actually passed before the expiration of such Act, except it shall be otherwise especially provided in such continuing Act: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of anything done or omitted to be done by any such person or persons contrary to the provisions of the Act so continued, between the expiration of the same and the date at which the Act continuing the same may have received or shall receive the royal assent.

When bills for continuing Acts which would expire during the session shall not pass before the Acts expire, such Acts shall be deemed to be continued from their expiration.

CHAPTER CX.

AN ACT for the further Encouragement and better Regulation of the British White Herring Fishery until the First Day of June One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament.[a] [25th June 1808.]

WHEREAS the improvement of the British white herring fisheries is an object of most essential importance to the wealth and commercial prosperity, as well as to the naval strength of this kingdom, for the attainment of which it is expedient that more effectual regulations should be made in order to the insuring a due and proper attention to the curing, sorting, and packing of white herrings, that the credit of the British fisheries in our colonies and in foreign parts may be maintained: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June one thousand eight hundred and nine, a bounty of three pounds per ton shall be paid annually in the manner herein-after prescribed to the owner or owners of any whole decked buss or vessel of not less than sixty tons burthen, being British built, owned in Great Britain, and manned, navigated, and registered according to law, which shall be fitted out for and be actually employed in the deep sea British white herring fishery on the coasts of Great Britain or Ireland in the manner and under the regulations prescribed by this Act; provided that such bounty shall not in respect of any buss or vessel be computed or paid on any greater number of tons than one hundred, although such buss or vessel shall be of greater burthen: Provided always, that if any buss or vessel properly fitted for the deep sea white herring fishery in the manner required by this Act shall be hired for carrying on the said fishery, the person or persons hiring the same shall be entitled to the bounty on the tonnage thereof, in the same manner as if such person or persons was or were owner or owners of such buss or vessel. [Rep., 31 & 32 Vict. c. 45. s. 71.]

A bounty of 3*l.* per ton to be paid annually to the owners of busses employed in the deep sea British white herring fishery.

If a hired buss be employed, the persons hiring the same shall be entitled to the bounty.

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III. AND be it further enacted, that from and after the said first day of June one thousand eight hundred and nine there shall be paid for every barrel containing thirty-two gallons of white herrings, caught in the British fisheries and landed in Great Britain, and which shall be cured and packed according to the directions of this Act, a bounty of two shillings. [Rep., 55 Geo. 3. c. 94. s. 6.]

A bounty of 2*s.* per barrel to be paid on white herrings.

IV. AND whereas by two several Acts passed in the thirteenth year of the reign of his late Majesty King George the First it was amongst other things provided, that it should be lawful for his Majesty, his heirs and successors, by letters patent under the great seal appointed by the treaty of union to be kept in Scotland in place of the great seal thereof, to nominate and appoint any number of persons resident in Scotland, not exceeding the number of twenty-one, to be trustees for overseeing, directing, and better improving the linen and hempen manufactures within that part of Great Britain called Scotland, with power to the said trustees, or any number of them, by the said letters patent to be determined, to assemble at such place or places, and to make such rules and orders for the improvement of the said manufactures, and for preventing abuses therein, as they shall think expedient, consistent with the true intent and meaning of that Act, and with the laws and statutes of the realm; and also to appoint the same number of persons to be trustees and commis-

Recital of 13 Geo. 1. c. 26. and c. 30. providing for the appointment of trustees for fisheries and manufactures in Scotland.

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[a] Every enactment or provision contained in this Act, whereby it is or may be held to be required that fifteen clear days should intervene between the day of the salting white herrings and the day on which the barrels containing such herrings, whether bung packed or repacked, should be marked or branded, rep., 14 & 15 Vict. c. 26. s. 1. The whole Act is rep., 30 & 31 Vict. c. 52. s. 9., in so far as necessary to give effect to the provisions of that Act. The sections printed large are rep., 31 & 32 Vict. c. 45. s. 71., except so far as they relate to Scotland and are not inconsistent with that Act.]

sioners for managing and directing the application of the sums in the last-mentioned of the said Acts, according to the plan and method that should be settled and established as therein mentioned, and for executing the several powers and authorities which by the said letters patent shall to them be committed by his Majesty, his heirs or successors: And whereas it is expedient that the number of trustees or commissioners by the said Acts so limited should for the purposes of this Act be increased: Be it therefore enacted, that from and after the passing of this Act it shall and may be lawful for his Majesty, his heirs and successors, by letters patent under the great seal appointed by the treaty of union to be kept in Scotland in place of the great seal thereof, to increase the number of the said trustees to twenty-eight.

The number of the trustees by the recited Acts limited to 21 may be increased to 28.

His Majesty may appoint seven of such trustees to be commissioners for the herring fishery;

V. AND be it further enacted, that it shall be lawful for his Majesty, his heirs, and successors, by letters patent under the great seal appointed by the treaty of union to be kept in Scotland in place of the great seal thereof, to nominate and appoint any number of such trustees or commissioners as aforesaid, not exceeding seven, to be commissioners specially for overseeing, directing, and better improving the white herring fishery, with power to them or any number of them by the said letters patent to be determined, to execute or cause to be executed the provisions of this Act in the manner herein mentioned,

who may appoint a secretary, &c.

and for that purpose to appoint a secretary and such clerks and other officers under them (the number of such clerks and other officers being first approved of by the lords commissioners of the Treasury or any three of them) as they the said commissioners to be appointed for the herring fishery shall think fit; and also that it shall be lawful for the said lords commissioners of the Treasury, or any three or more of them, to direct such salaries or allowances, and all such other expences as shall be incurred in the execution of this Act, to be paid to such secretary, clerks, and other officers, as the said lords commissioners of the Treasury shall approve of; provided always, that no person shall act as a commissioner under the authority of this Act who shall be concerned directly or indirectly in the white herring fishery.

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Commissioners to report annually to the board of trustees for fisheries and manufactures in Scotland, and to Parliament.

VII. AND be it further enacted, that the said commissioners for the herring fishery appointed by virtue of this Act shall and they are hereby required to deliver in annually on the first day of June in every year to the board of trustees or commissioners for fisheries and manufactures in Scotland, appointed in pursuance of the above recited Acts, a full and accurate report of their proceedings for the year preceding, and shall also cause to be laid before each House of Parliament within fourteen days after the commencement of every session a copy of the said report, signed by the said commissioners of the herring fishery.

The Admiralty to appoint an officer of the navy to be superintendant of the deep sea British white herring fishery.

VIII. AND be it further enacted, that it shall be lawful for the lords commissioners of the Admiralty to appoint a commissioned officer in his Majesty's navy as superintendant of the fishery described in this Act as the deep sea fishery, for the purpose of causing the same to be carried on according to the regulations of this Act, and also well for preserving order among the persons employed therein, as for protecting them and their vessels against enemies; which person so to be appointed superintendant shall annually proceed in a proper vessel or vessels of sufficient force, to be provided for that purpose, to Brassey Sound in Shetland (which is hereby appointed to be the place of rendezvous of the said deep sea British white herring fishery) so as to arrive there before the fifteenth day of June; and the said superintendant shall remain with the vessels which shall be employed in the fishery during the continuance thereof for the season, and shall, as often as he shall be required, transmit to the lords commissioners of the Admiralty and to the commissioners for the fishery a list of the busses or

vessels employed in the said fishery, together with the number and ages of the men employed on board thereof, distinguishing the capacities in which they respectively act. [Rep., 31 & 32 Vict. c. 45. s. 71.]

Superintendant to be sworn.

IX. AND be it further enacted, that the officer who shall be appointed superintendant as aforesaid shall take and subscribe the oath following, which oath any one of the commissioners for the fishery or any justice of the peace shall be authorized to administer:

Oath.

'I A.B. do solemnly swear, that I am not directly or indirectly concerned as an adventurer in the white herring fishery or in any other fishery, or as a curer of fish; and that I will not be concerned therein, either directly or indirectly, during the time I shall act as superintendant of the white herring fishery. So help me GOD.'

Treasury to appoint officers of the fishery.

X. AND be it further enacted, that it shall be lawful for the lords commissioners of his Majesty's Treasury, or any three or more of them, to appoint persons at the respective places on the coast of Great Britain where herrings are caught or cured, and at the ports or places where vessels are usually fitted out for the British herring fishery, and where vessels employed in the said fishery usually discharge their cargoes, and also at the ports of exportation, to overlook the curing of all herrings caught, to take an account of and clear out all salt, nets, barrels, and other stores shipped or put on board any buss, vessel, or boat for the said fishery, and to inspect and take account of all herrings landed or exported, and to certify whether the fish are properly pined, cured, and packed, so as to be entitled to the bounty of two shillings per barrel hereby granted, or fit to be exported; provided always, that no person shall be appointed an officer for the performance of any of those duties unless such person shall have exercised the trade of a cooper, and been employed in the curing and packing of herrings, and shall be skilful therein, and fully qualified to execute the duties which will be required of him under the provisions of this Act, certificates of which qualifications shall be transmitted to the lords commissioners of his Majesty's Treasury by such persons and in such manner as shall be satisfactory to the said lords commissioners; and every such officer so to be appointed shall obey such instructions, orders, or directions as he shall from time to time receive from the said commissioners for the herring fishery to be appointed by virtue of this Act, signified under their hands or under the hand of their secretary.

Qualification of persons to be so appointed.

Officers to obey the orders of the commissioners for the herring fishery.

Secretary, &c. and officers may be suspended, &c. by commissioners.

XI. AND be it further enacted, that the secretary and every clerk or officer of the fishery to be appointed by virtue of this Act shall be liable to be suspended or dismissed from his office or employment respectively by the said commissioners for the herring fishery, either for incompetency or for neglect of duty; provided always, that every such officer of the fishery, and the secretary, and every officer and clerk under the commissioners for the herring fishery appointed by virtue of this Act, shall, previous to his entering upon the duties of his office, take and subscribe the following oath:

Officers and secretary, &c. to take the following oath.

'I A.B. do swear, that I will faithfully and honestly according to the best of my skill and judgement execute the office and trust committed to me of [the name of the office to be here mentioned] and that I am not directly or indirectly concerned as an adventurer in the white herring fishery or in any other fishery, or as a curer of fish, nor will I, so long as I shall continue to act as [the name of the office to be here mentioned] be

'concerned, either directly or indirectly, as an adventurer in the said fishery 'or as a curer of fish. So help me GOD.'

Which oath any one of the said commissioners for the herring fishery may administer to such officer.

No net to be used that has a mesh of less than one inch from knot to knot, &c.

XII. AND be it further enacted, that from and after the first day of June one thousand eight hundred and nine, no person shall use in any river or lock or at sea, in or on the coast of Great Britain, any herring net, or any traul net, drag net or other sea net, for the taking of herrings, which hath a mesh of less than one inch from knot to knot, or any false or double bottom cod or pouch, or shall put any net, though of legal size, behind the others to destroy the small fish; and that every person offending herein shall forfeit every such net as aforesaid, and the sum of forty pounds for every such offence; and it shall be lawful for the commissioners for the herring fishery, to be appointed pursuant to this Act, to cause every such net to be burnt.

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Herrings taken every day by the crews of busses to be distinguished by a mark on the barrels in which they are cured.

XVII. AND be it further enacted, that the herrings taken, cured and packed on each day by the crew of such buss or vessel, shall be distinguished from all other herrings by a mark or marks, character or characters, to be set on the barrel or barrels in which the same shall be packed, of such description and in such manner as shall be prescribed by any regulation to be made by the commissioners for the fishery by virtue of this Act, and shall denote on what day such herrings were so taken, cured, and packed, and whether the same were cured and packed gutted, or were cured and packed ungutted, and herrings gutted after the day when the same were taken shall be packed separately from other gutted herrings and shall be distinguished by a mark or character to be set as aforesaid, which marks or characters shall not be at any time effaced or altered. [Rep., 31 & 32 Vict. c. 45. s. 71.]

Powers and duties of the superintendant of the fishery.

XVIII. AND be it further enacted, that it shall be lawful for the superintendant of the fishery, or any person or persons acting by his orders, at all times whenever he shall think fit, either at sea during the continuance of the fishery, or after the return from the fishery, to go on board any of the vessels employed in the fishery under his superintendence, to inspect the licence and certificate of registry of such vessel, and the journal kept by the master pursuant to the directions of this Act [a] (all which the master of every such buss or vessel, on being thereunto required, shall forthwith produce and deliver to the said superintendant for his inspection and examination, and the said superintendant is hereby empowered to detain any such buss or vessel till all or any of the said documents demanded by him shall be so produced or delivered to him), and to ascertain whether the number of men hereby required to be on board the said buss or vessel be actually employed therein during the fishing and until they be discharged according to the directions of this Act, and to inspect the manner in which the herrings are taken, cured, and packed, and whether the master and other persons on board the same are in all respects carrying on and prosecuting the said fishery in the manner hereby required; and if any person or persons shall impede or obstruct or attempt to impede or obstruct any other person or persons in the lawful prosecution of the said fishery, the said superintendant shall require such person or persons so impeding or obstructing or attempting to impede or obstruct any other person or persons, to desist from so doing; and if such person or persons so required to desist shall disregard such requisition, it

[a] Sect. 21, which requires the master of every buss to keep a journal, is rep., 31 & 32 Vict. c. 45. s. 71.

shall be lawful for the said superintendant to employ such force as shall be necessary to compel him or them to preserve order; and if it shall appear to the said superintendant that the number of men hereby required to be on board each buss or vessel were not on board thereof at any time when they ought to have been according to the regulations of this Act, or that the master or any part of the crew are or were not in all respects carrying on and prosecuting the fishery in the manner hereby required, or had impeded or obstructed or attempted to impede or obstruct any other person or persons in the lawful prosecution of the said fishery, the said superintendant shall report the same fully and particularly to the commissioners for the herring fishery to be appointed by virtue of this Act, and shall deliver one copy of such report under his hand to the master of such buss or vessel, and shall transmit another copy to the said commissioners by the first opportunity; and if any person or persons shall resist or obstruct such superintendant or any person or persons acting under him in the execution of any of the powers to him or them given by this Act, every person so offending shall forfeit and pay the sum of one hundred pounds: Provided always, that it shall be lawful for the master of any buss or vessel, licensed and cleared out for the said deep sea fishery, at any time during the continuance of the fishing as limited by this Act, to tranship into any other vessel, not being licensed for the said fishery pursuant to the directions of this Act, any quantity of herrings which shall have been taken by the crew of such buss or vessel, and by them cured and packed in barrels on board the same; and the said herrings so transhipped shall be conveyed to and landed at the port in Great Britain where such buss or vessel shall be intended to be cleared inwards, and shall be deemed and taken to be part of the cargo of such buss or vessel; provided that the master of the vessel in which such herrings shall be carried into port shall bring with the said herrings a copy of the licence of the buss or vessel out of which the said herrings were received, with a declaration under the hand of the master thereof (indorsed on such copy) setting forth the number of barrels of herrings so transhipped out of such buss or vessel into such other vessel as aforesaid, that the same were taken and cured as aforesaid, specifying the date of the taking, curing, and packing of the herrings contained in each barrel, and whether the same were cured and packed gutted, or were cured and packed ungutted, and distinguishing each barrel by the marks or characters (to be specified in such declaration) which shall be set on the barrels in which the said herrings shall be packed respectively, as also the name of the vessel on board of which the same shall be transhipped, the name of the master thereof, and the name of the port for which the same were so put on board; which declaration shall be produced to the officer of the fishery at such port before any of the said herrings shall be unshipped or laid on land; and the master of such vessel shall make oath at the foot of the said declaration before the said officer that the herrings on board the said vessel are the very same which were transhipped out of such buss or vessel as mentioned in the said declaration; and such officer shall attend the landing thereof, and take account of the herrings landed out of the said vessel, together with the marks on the barrels containing the same.

Herrings may be transhipped out of a buss at the deep sea fishery into another vessel not licensed for the fishery, and carried into port.

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XXV. AND be it further enacted, that the officer of the fishery at each port shall transmit without delay to the commissioners for the herring fishery to be appointed by

Officers of the fishery to transmit certain

documents to the commissioners for the herring fishery.

this Act the licence with the oaths and certificates written at the foot or on the back thereof, hereby required to be delivered up to him, together with the oath required to be made by the master on his return into the port for the discharge of his cargo, and the certificate or certificates hereby directed to be made by the proper officer of the fishery at such port, also the declaration produced and oath made by the master of any vessel out of which herrings were landed, as having been transhipped out of such buss or vessel during the fishing: And if the said commissioners shall be satisfied that all the conditions, rules, and regulations by this Act directed to be observed have been duly fulfilled with respect to such voyage and fishing, they shall immediately give a debenture or certificate for the payment to the owner or owners of the said buss or vessel, or to his or their assigns, of the bounty by this Act payable upon the tonnage of such buss or vessel, the amount whereof shall be mentioned in such debenture or certificate; and the said commissioners shall at the same time transmit the licence, oaths, and certificates, and declaration aforesaid, with notice of their having granted such debenture or certificate, to the commissioners of excise in England or Scotland respectively; and the commissioners of excise or any three or more of them in England, or the commissioners of excise or any three or more of them in Scotland, on receiving such documents, shall and they are hereby authorized and required respectively without delay to give an order to their cashier, or transmit an order to the collector of excise at or nearest the port or place where such buss or vessel discharged her cargo (at the option of the person or persons entitled to receive the same); and such cashier or collector on receiving such order is hereby required to pay on demand the sum expressed in such debenture or certificate out of any money in his or their hands arising from any duties under the management of the said commissioners of excise: Provided always, that in case the master of any such buss or vessel shall have neglected to enter any transaction, occurrence, matter, or thing hereby required to be entered in his journal, it shall be lawful for the said commissioners for the herring fishery to be appointed by virtue of this Act to make such abatement from the amount of the bounty claimed for such vessel as they in their discretion shall think fit. [Rep., 31 & 32 Vict. c. 45. s. 71.]

Regulations as to the manner of paying the bounty on the tonnage of busses employed in the deep sea fishery.

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Regulations as to fitting out vessels, for which the tonnage bounty is not meant to be claimed, with salt, &c. for the British herring fishery.

XXXI. AND be it further enacted, that whenever any vessel or boat for which it is not meant the tonnage bounty shall be claimed shall be intended to be fitted out at any port or place in Great Britain where an officer of the fishery shall be stationed for the British herring fishery, the person intending so to fit out such vessel or boat shall give notice thereof in writing to the said officer of the fishery at such port or place, specifying the quantity of salt, the quantity of netting, the number of barrels, and the quantity of other stores which he intends to put on board the said vessel or boat, which he shall not ship or put on board without the presence of such officer; and the said officer shall examine the stores which shall be tendered to be shipped, and see the same put on board the said vessel or boat, and shall give the master a certificate that the said stores, specifying the quantities and sorts thereof respectively, were so shipped or put on board in his presence, mentioning the name of the said vessel or boat and the name of the master thereof; and if any salt, barrels, nets, or other fishing stores shall be shipped or put on board any such vessel or boat at any such port or place as aforesaid for the British herring fishery before such notice shall be given, or without the presence of such officer as aforesaid, or be removed from thence in such vessel or boat without such certificate as aforesaid, the same shall be forfeited, and shall and may be seized by any officer of the fishery or of the customs or excise.

Regulations with respect to vessels or

[XXXII.[a] AND be it further enacted, that the master of every vessel or boat which shall proceed to the British herring fishery, having on board salt

[a] So much of this Act as requires that the quantity of salt used every day be specified in the account mentioned in this section, and as relates to any penalty or forfeiture for the omission thereof, rep., 55 Geo. 3. c. 94. s. 17.]

to be used in the curing of herrings, shall keep an account of the quantity of herrings which he shall cure or cause to be cured every day, and of the quantity of salt used in the curing thereof, and shall mention in such account the name of the loch, bay, or other place on the coast where such herrings shall be cured, and the manner in which the same shall be cured, namely, whether in barrels or in bulk, whether gutted or ungutted, whether on board or on shore, and whether by the crew of such vessel or boat, or by persons residing on shore; and by a mark or marks to be set on the barrel or barrels in which the same shall be cured, according to such regulations as shall be made in that behalf by virtue of this Act, the quantity of herrings cured in barrels every day shall be distinguished from all other herrings, and the quantity of herrings cured ungutted from the quantity cured gutted; in which account shall be specified such mark or marks set on the barrels respectively, and the number of barrels of herrings so cured, with the marks set thereon, which shall be shipped or put on board such vessel or boat every day; and if any quantity of such herrings shall be shipped or put on board any other vessel or boat to be carried to any port in Great Britain, the number of barrels of herrings, with the marks set thereon, shall be specified in such account with the name of such other vessel or boat and the port for which the same shall be bound; which account signed by the said master, together with the said certificate by the officer of the fishery in whose presence the said salt was shipped in such vessel or boat, the said master shall bring with the said herrings on board thereof to any port or place of Great Britain to which the same shall return or arrive for her discharge; and if any officer of the fishery shall be stationed at such port or place, the master shall (before any herrings or other article shall be unshipped out of such vessel or boat) deliver the said account and certificate to such officer, and shall verify the said account on oath before him, who shall attend the landing of the herrings, salt, and other stores, and take a particular account thereof; or if no officer of the fishery shall be stationed at such port or place, he shall verify the said account on oath before the chief officer of excise or customs there, or any justice of the peace or other magistrate, and transmit the same so verified on oath with the said certificate to the nearest officer of the fishery; and the officer of the fishery to whom the said account shall be so delivered or transmitted shall upon demand deliver to the said master a copy of the said account and of the oath by him made thereon, certified by the said officer under his hand to be a true copy.

boats cleared out with salt, and curing and taking on board herrings at the fishery, and proceeding therewith to a port in Great Britain, and clearing inwards.

XXXIII. AND be it further enacted, that the master of every vessel or boat arriving from the British herring fishery at any port or place of Great Britain having on board herrings cured with salt, which had been carried from any port or place in Great Britain to the said fishery in a different vessel or boat, shall bring with the said herrings a declaration signed by the master of the vessel or boat in which the said salt was carried to the fishery (with a copy indorsed thereon of the certificate by the officer of the fishery in whose presence the salt was shipped); which declaration shall express the name of the vessel or boat in which the herrings shall be shipped, the name of the master thereof, the number of barrels of herrings shipped or put on board the same, with the marks set on the said barrels respectively, the day on which the herrings contained in each of the said barrels respectively were cured, and the manner in which the same were cured as herein-before described, and what quantity of the salt specified in the certificate, of which a copy shall be so indorsed on such declaration, was used in the curing thereof; which declaration shall be verified by the person making the same upon oath to be administered by the officer of the fishery at the place where the herrings shall be shipped or laid on board; or if there shall be no such officer there,

Regulations respecting vessels arriving from the fishery laden with herrings cured with salt carried out in a different vessel.

then before any officer of the fishery near such place, or any officer of the customs or excise at or near the same, or before any justice of the peace, sheriff depute or substitute, which declaration so verified the master of the said vessel or boat arriving with the said herrings (before any part of the cargo thereof shall be unshipped) shall deliver to the officer of the fishery at the port or place where he shall arrive for the discharge thereof, who shall attend the landing of the cargo and take a particular account thereof; and if no officer of the fishery shall be stationed at such port or place, then the said master shall in such case transmit the said declaration so verified as aforesaid to the officer of the fishery nearest to such port or place. [Rep., 31 & 32 Vict. c. 45. s. 71.]

Herrings, salt, or other fishing stores from the fishery landed contrary to the aforegoing regulations forfeited.

XXXIV. AND be it further enacted, that if any herrings or salt or other fishing stores shall be landed or shall be unshipped with intent to be landed out of any vessel or boat arriving from the British herring fishery (other than a buss or vessel which shall have been licensed for the deep sea fishery) at any port or place where an officer of the fishery shall be stationed, before such certificate and such account to be kept by the master respecting the herrings cured as aforesaid, or such declaration so verified as aforesaid respectively shall be delivered to and such account verified on oath before the said officer of the fishery as is herein directed, or without the presence of such officer of the fishery as aforesaid, or shall be landed or shall be unshipped with intent to be landed at any port or place where no officer of the fishery shall be stationed, before such certificate and account or such declaration so verified as aforesaid shall be produced to and such account verified on oath before such officer of the excise or customs, or such justice of the peace or other magistrate as aforesaid respectively, and transmitted to the officer of the fishery nearest to such port or place, or without the presence of the proper officer of the customs, all such herrings or salt or other fishing stores shall be forfeited, and shall and may be seized by any officer of the fishery or of the customs or excise; provided that if any such herrings, salt, or other article shall be seized on account of any error or omission of anything required by this Act to be done, which shall appear to the said commissioners for the fishery not to have been wilful, it shall be lawful for the said commissioners to waive the forfeiture of such articles, and to levy in lieu thereof on the parties a penalty not exceeding the sum of ten pounds.

Regulations as to curers having salt stored at the fishery, and proceeding to cure herrings therewith.

XXXV. AND be it further enacted, that whenever any person or persons, having salt stored on shore at any place where the herring fishery is carried on, shall intend to cure herrings therewith, such person or persons shall, before he shall begin there to cure herrings, give notice of his intention so to do to the officer of the fishery at or nearest to such place, and shall keep an account of the quantity of herrings which he shall cure every day, and of the quantity of salt which shall be used in the curing thereof, and shall in such account mention the manner in which the herrings shall be cured, namely, whether cured in barrels or in bulk, whether cured gutted or ungutted, and by a mark or marks to be set on each of the barrels in which the same shall be packed, according to such regulation as shall be made by virtue of this Act, shall distinguish the quantity of herrings cured every day from all other herrings, which mark or marks shall be specified in the said account; and before any such herrings so cured and packed shall be removed or shall be shipped or put on board any vessel or boat in order to be removed from the place where the same were so cured, or shall be produced to any officer of the fishery to be certified for the bounty of two shillings per barrel hereby granted, the curer thereof shall deliver such account thereof as aforesaid to the officer of the

fishery at or nearest to such place, and verify the same upon oath before such officer; . . . . . .

What herrings shall be entitled to the bounty of 2s. per barrel.

XXXVI. AND be it further enacted, that the bounty hereby granted of two shillings per barrel on white herrings shall not be paid or allowed for any herrings which shall not have been taken in the British white herring fishery after the said first day of June, or for any herrings which shall be of bad or indifferent quality, or for any broken herrings, or for any herrings which were not originally gutted, or which were cured in bulk or otherwise than in barrels, or which having been cured in barrels shall have been afterwards laid in bulk, or which shall not be repacked or bung packed, and in all respects properly cured and packed, or of which the barrel shall not contain of fish, exclusive of the weight of salt and brine, two hundred and twenty-four pounds weight, except herrings intended to be exported to any place out of Europe, which shall and are hereby required to be repacked with great salt, the barrel of which herrings shall contain two hundred pounds weight of net fish [Rep., Stat. Law Rev. Act, 1872 (No. 2).]; nor for any herrings which shall be contained in any barrel not of sufficient strength or not containing thirty-two gallons English wine measure, or on which the name of the curer thereof and the name of the port or place where and the year when the same were cured shall not be branded with an hot iron in large, legible, conspicuous, and permanent characters, or on which such mark or marks, character or characters shall not have been set at the fishery as is directed by this Act, or shall not remain thereon distinctly legible, denoting the day on which the same were cured, and that the same were cured gutted; nor for any barrel of herrings on which, at the time of its being produced to the proper officer of the fishery in order to be branded with a mark or character to denote that the curer thereof is entitled to the bounty of two shillings per barrel hereby given according to the directions of this Act, any such mark or character shall be found to have been formerly branded, or any mark, or character shall be found to have been branded pursuant to any former Act in respect of any bounty per barrel thereby granted, or any mark or character whatsoever formerly branded shall be found to have been altered or effaced; nor until a mark or character to denote that the curer thereof is entitled to the bounty hereby given shall be branded thereon by order and in presence of the proper officer of the fishery after the same shall have been produced to and inspected by such officer according to the directions of this Act.

To whom, under what conditions and regulations, and by whom the bounty of 2s. per barrel shall be paid.

XXXVII. AND be it further enacted, that the said bounty of two shillings per barrel hereby granted on white herrings shall be payable and paid to the curer or curers thereof on the production of the fish to the proper officer of the fishery in order to be branded and certified for the bounty; and such officer of the fishery to whom any barrels of herrings shall be so produced shall examine the barrels and inspect the herrings contained in all or in such and so many of them as he in his discretion shall think necessary, for the purpose of ascertaining whether the herrings so produced are in every respect such as to entitle the curer or curers thereof to the bounty hereby granted according to the provisions of this Act; and for that purpose the said curer or curers shall at his or their own charge, upon being thereunto required by the said officer, place or cause to be placed the said barrels of herrings in such convenient order or situation as shall be pointed out by the said officer (the outsides being free from any tar, dirt, or other substance which may cover or conceal any mark

thereon) and open or cause to be opened any barrel so produced, and raise or remove or cause to be raised or removed the herrings or any part thereof out of such barrel, and furnish the said officer with weights and scales for weighing any herrings and assist him effectually in weighing the same; and upon every barrel of herrings, which on such examination and inspection as aforesaid shall be found by the said officer to be in all respects such as to entitle the curer or curers thereof to the bounty of two shillings per barrel hereby granted, there shall be branded with an hot iron by order and in presence of the said officer such mark or marks, character or characters as the commissioners for the herring fishery to be appointed pursuant to this Act shall direct, and as shall denote that the same is intended to be of the proper description, and whether the same is bung packed or repacked and the year in which the same shall be so branded, and by order and in presence of what officer; all which being duly performed the said officer of the fishery shall give the curer or curers of the said herrings a debenture or certificate for payment of the said bounty of two shillings per barrel on the number of barrels of herrings so branded, which on being allowed by the commissioners for the herring fishery (such allowance being stated in writing under the hands of the commissioners at the foot of the said debenture or certificate) the said curer or curers or his or their assigns shall be entitled to the bounty of two shillings per barrel on the number of barrels of herrings therein mentioned; and the commissioners of excise in England or the commissioners of excise in Scotland respectively, upon such debenture being produced to them, shall without delay cause the same to be paid in the same manner as the bounty on the tonnage of busses or vessels employed in the deep sea fishery is directed by this Act to be paid.

Herrings of certain descriptions, if produced to the officer in order to obtain the bounty, shall be forfeited.

XXXVIII. AND be it further enacted, that if any herrings not caught or taken in the British herring fishery, or any herrings in respect whereof any bounty per barrel granted by any former Act shall have been paid or allowed, or any broken herrings, or any herrings which were not originally gutted, or which were cured in bulk or otherwise than in barrels, or which having been cured in barrels shall have been afterwards laid in bulk, or any herrings mixed or packed with any such herrings as aforesaid, or any herrings (other than herrings repacked with great salt) of which the barrel shall not contain of net fish, exclusive of the weight of salt and brine, two hundred and twenty-four pounds weight, or any herrings repacked with great salt, of which the barrel shall not contain of net fish, exclusive of the weight of the salt and brine, two hundred pounds weight, [Rep., Stat. Law Rev. Act, 1872 (No. 2).] or any herrings packed in any barrel which shall be of less content or capacity than thirty-two gallons English wine measure, or on which the name of the curer thereof and the name of the port or place where and the year when the same were cured shall not be branded with an hot iron in large, legible, conspicuous, and permanent characters, and in manner directed by any rule or regulation which shall be made by the commissioners for the herring fishery in that behalf, or on which such mark or marks, character or characters shall not have been set at the fishery as is directed by this Act, or shall not remain thereon distinctly legible denoting the day on which the same were cured, and that the same were cured gutted, shall be produced to any officer of the fishery to be branded in his presence and certified by him for the purpose of obtaining the said bounty of two shillings for the same, or which having been so produced and branded shall be again

produced to any such officer for the same purpose, all such herrings with the barrel or barrels containing the same shall be forfeited, and shall and may be seized by any officer of the fishery: . . . . . .

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Certain herrings prohibited to be exported.

XL. AND be it further enacted, that no white herrings shall be exported or shipped or tendered to any officer of the fishery or of the customs to be shipped for exportation at any port or place in Great Britain for any port or place whatever, unless the barrel in which the same shall be packed shall be at least half an inch in thickness at the bulge, or for any foreign port or place in Europe, unless such barrel shall be bound with sixteen hoops at the least, made of wood or iron; nor shall any such herrings be exported or shipped or tendered to be shipped as aforesaid for any port or place out of Europe, unless the barrel in which the same shall be packed shall be a new barrel and full bound, and have one iron hoop at each end; [nor unless such herrings shall have been repacked, and a space of time not less than fifteen days shall have intervened from the day when the same were originally cured and packed before the same were repacked,[a] . . . . . nor shall any barrel of white herrings be exported or shipped or tendered to any such officer as aforesaid to be shipped for exportation at any port or place in Great Britain for any port or place whatsoever, being branded with any mark or character to denote that the curer thereof is or was entitled to the bounty of two shillings per barrel hereby granted, unless the same shall in all respects be such as is by this Act required to entitle the curer thereof to the said bounty; nor shall any barrel of white herrings be shipped for exportation, till the proprietor or his agent shall have produced the same to the proper officer of the fishery, and performed every thing which shall have been required of him by the said officer, and which the curer on producing the same in order to obtain the bounty thereon is by this Act required to perform; nor shall the same be so shipped without the presence of the said officer; and that all white herrings, with the barrels containing the same, which shall be exported, shipped, or tendered to be shipped for exportation contrary to this Act shall be forfeited, and shall and may be seized by any officer of the fishery or of the customs.

Officers to inspect herrings tendered for exportation.

XLI. AND in order to prevent any frauds in the exportation of herrings, be it further enacted, that every officer of the fishery, to whom any barrels of white herrings shall be produced or tendered in order to be shipped for exportation, shall examine the same, and inspect and weigh the herrings in such and so many of the barrels as he shall think proper, in order to ascertain whether the said barrel or barrels of herrings be in all respects such as may lawfully be exported or shipped to be exported to the port or place for which the same shall be entered: . . . . . .

No sufferance, warrant, or coast cocket from the customs shall be required for shipping salt,

XLII. AND be it further enacted, that it shall be lawful to ship or put on board any buss, vessel, or boat at any port or place in Great Britain where an officer of the fishery shall be stationed for the British herring fishery, salt, nets, barrels, and other fishing stores and provisions necessary for the sustenance of the crew thereof, and to carry and convey the same to the said fishery

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[a] Rep., 55 Geo. 3. c. 94. s. 34., so far as respects any barrel of herrings in respect of which it shall appear by the mark thereon that the bounty of four shillings granted by that Act shall have been allowed.]

&c. for the herring fishery, or landing herrings, salt, &c. from thence.

without a sufferance or warrant or coast cocket from the officers of the customs, and also to unship and land herrings and salt, nets, barrels, and other fishing stores out of any buss, vessel, or boat from the British herring fishery without a sufferance or warrant from the officers of the customs, and without the presence of an officer of the customs, except in any case where any special provision is made to the contrary in this Act: Provided the same be respectively shipped or put on board, carried, landed, or unshipped in the manner and according to the regulations of this Act: Provided also, that nothing herein contained shall extend to repeal any provisions in any Act made for securing the duties on salt with respect to shipping, carrying, or landing salt.

Officer of the fishery to transmit copies of documents as to salt, &c. shipped, and herrings, salt, &c. landed, to the collector, &c. of the customs.

XLIII. AND in order that the proper officer of the customs and excise may be informed of and be enabled to register the true quantities of all salt, nets, barrels, or other fishing stores shipped at the respective ports of Great Britain for the British herring fishery, and of all herrings, salt, nets, barrels, and other fishing stores brought from the British white herring fishery, and landed at the respective ports of Great Britain, be it enacted, that every officer of the fishery by whom any licence or certificate shall be granted to the master of any buss, vessel, or boat, specifying the respective quantities of salt, nets, barrels, or other fishing stores shipped or put on board such buss, vessel, or boat at any port or place of Great Britain for the British herring fishery, shall without delay transmit to the collector, comptroller, or other chief officer of the customs at such port a copy of the licence or certificate so granted by him; and every officer of the fishery by whom an account shall be taken of any herrings, salt, nets, or other fishing stores landed out of any buss, vessel, or boat from the British herring fishery at any port or place in Great Britain shall without delay transmit to the collector and comptroller or other chief officer of the customs at such port a copy of the account so taken by him as aforesaid, with the name of the buss, vessel, or boat, the name of the master thereof, and the port where the same was fitted or cleared out for the said fishery.

Herrings may be cured and packed in half barrels.

XLIV. AND be it further enacted, that it shall be lawful to cure and pack herrings taken in the British herring fishery in half barrels, each of which shall contain sixteen gallons English wine measure; and that the bounty hereby granted of two shillings per barrel shall be allowed and paid for herrings contained in such half barrels, two such half barrels being accounted equal to one barrel; provided that such half barrels and the herrings contained therein shall be subject and liable to all the regulations, penalties, and forfeitures by this Act provided and imposed, in the same manner as if the herrings were packed in barrels.

Officers of the fishery may go and remain on board busses or boats, inspect documents, &c.

XLV. AND be it further enacted, that it shall be lawful for any officer of the fishery to go and remain on board any buss, vessel, or boat having on board any salt, barrels, or other fishing stores in Great Britain intended for the British white herring fishery, or being at any place where herrings shall be taken or cured, or proceeding from any such place for any port or place in Great Britain, to examine the condition of all herrings, salt, barrels, or nets on board of any such buss, vessel, or boat, and to put any mark or marks on the barrel or barrels in which any herrings shall be contained on board thereof, and to take an account of the names and descriptions of the crew of such buss, vessel, or boat; and the master of every such vessel or boat shall, if required by

any officer of the fishery so to do, produce and deliver to such officer for his inspection the certificate of registry (if such vessel or boat shall be liable to registry), and the licence, certificate, or declaration which he shall or ought to have on board, and shall give to such officer a true account of the name of the owner or of each of the owners of such buss, vessel, and boat, and of the place where such owner resides, and the name of each of the crew thereof; and if any master of any such buss, vessel, or boat as aforesaid shall not, upon being required by any officer of the fishery so to do, comply with all or any of the requisitions herein contained, every person so offending shall forfeit and lose the sum of twenty pounds.

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Officers of the fishery may enter warehouses, store houses, &c. of fish curers.

XLVII. AND be it further enacted, that it shall be lawful for any officer of the fishery at all times when herrings are curing and packing or repacking, and at all other times in the day (or if in the night in the presence of a constable or other officer of the peace) to enter and come into any cellar or warehouse of any curer of herrings, or into any place where herrings shall be cured, packed, or repacked, to view and inspect herrings during the time of their being cured, packed, or repacked, and to put such a mark or marks on any barrel or barrels in which they shall be packed or repacked as they shall think fit; which mark or marks shall not be altered or defaced.

Commissioners shall make regulations as to the forms of documents, and the manner of carrying this Act into execution, &c.

XLVIII. AND be it further enacted, that the commissioners for the herring fishery to be appointed pursuant to this Act shall and they are hereby authorized to make rules and regulations directing in what form and manner every journal, declaration, or account required by this Act shall be kept or made, and by what means and methods the provisions of this Act shall be observed, performed, and put in execution according to the true intent and meaning thereof; also for sorting the herrings taken, (that is to say) for packing or repacking herrings of one class separately from herrings of another class or from any other herrings whatever, such classes to be determined and defined in and by such rules or regulations as aforesaid, according to size or other description or denomination as to the said commissioners shall appear most conducive to the improvement of the said fishery, the herrings of each class to be distinguished by such mark or character respectively as in and by the said rules and regulations shall be directed; and whenever any herrings sorted according to such rules or regulations as aforesaid shall be produced to any officer of the fishery according to the directions of this Act, such officer being satisfied that such herrings are duly sorted, and to what class the same ought to belong, he shall cause such mark or character to be burnt on each barrel in his presence, as by the said rules and regulations shall be directed, in order to denote how the said herrings should be classed; and the said commissioners are hereby authorized to make rules or regulations directing what marks or characters shall be set or branded on any barrel or barrels of herrings for any of the purposes of this Act respectively, the size of every such mark or character and the part of the barrel on which the same shall be set or branded, and the manner in which any mark or character not hereby required to be branded shall be set thereon; which rules and regulations they are hereby required to make public in the manner which shall appear to them likely to be most effectual for the information of the parties interested therein; and if any mark or character shall be set or branded on any barrel of herrings

for any of the purposes of this Act in any manner which shall not be conformable to the special provisions of this Act, or to such rules or regulations as aforesaid, or if any mark or character more than the true or proper mark or marks, character or characters, prescribed by this Act and by such rules or regulations as aforesaid, shall be set or branded on any barrel of herrings, the curer or curers, proprietor or proprietors thereof shall not be entitled in respect of the same to claim any benefit by this Act provided for any barrel of herrings marked or branded according to the true intent and meaning thereof; and if any journal, declaration, account, or oath by this Act required to be kept or made, or any thing required by this Act to be done or performed by or on behalf of any curer or proprietor of herrings, or owner or owners or master of any ship, vessel, or boat, shall respectively be kept, made, done, or performed in any form or manner not conformable to such rule or regulation as aforesaid, such person or persons shall not be entitled to claim any benefit by this Act, to which such person would have been entitled in case such journal, declaration, account, or oath, or other matter or thing had been respectively kept, made, done, or performed according to the true intent and meaning of this Act.

Persons wilfully making a false oath shall be guilty of perjury.

XLIX. AND be it further enacted, that every person before whom any oath is hereby directed or required to be made shall be and every such person is hereby authorized and required to administer such oath; and if any person or persons shall wilfully make a false oath respecting any thing which by this Act is required to be sworn, every such person shall upon conviction be liable to the punishment of perjury.

Penalty on persons fraudulently branding barrels of herrings with marks appointed to be branded by officers, &c. or falsifying documents.

L. AND be it further enacted, that if any person, other than an officer of the fishery, or not being authorized by or without the presence of such officer, shall fraudulently burn or brand or cause to be burnt or branded, or have in his custody or possession any instrument for the purpose of burning or branding on any barrel or cask of herrings any mark or marks, character or characters, which by virtue of this Act shall be appointed or directed to be burnt or branded on any barrel of herrings by order and in presence of such officer, or any mark or character in imitation thereof; or if any person shall alter, eraze, or falsify any licence, certificate, account, declaration, oath, or other document prescribed by this Act; every person so offending shall on being convicted thereof in England before a justice of the peace, or in Scotland before the sheriff of the county where the offence shall be committed or the offender found shall for every such offence forfeit and pay a sum of money not exceeding fifty pounds, or suffer imprisonment for any time not exceeding six months; and every barrel or cask on which any such mark or character shall be fraudulently burnt or branded as aforesaid, with the herrings therein contained, and every instrument which shall be in the possession of any person for the purpose of fraudulently burning or branding the same shall be forfeited, and shall and may be seized by any officer of the fishery, customs, or excise.

Penalty for altering or effacing marks.

LI. AND be it further enacted, that if any mark set or branded on any barrel of herrings by any officer or officers of the fishery, pursuant to this Act or to any rules or regulations which shall be made by the aforesaid commissioners for the herring fishery, shall be altered or defaced, every such barrel,

with the herrings therein contained, shall be forfeited, and shall and may be seized by any officer of the fishery.

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Persons resisting officers of the fishery, &c. shall forfeit 50*l.*

LIII. AND be it further enacted, that if any person or persons shall assault, resist, oppose, molest, or hinder any officer or officers of the fishery or any person or persons acting in his or their aid or assistance in the execution of this Act or of any matter or thing therein contained, every such person so offending shall for every such offence forfeit and pay the sum of fifty pounds.

Penalty on officers receiving fees.

LIV. AND be it further enacted, that if any officer of the fishery shall demand, take, or receive, directly or indirectly, any fee, gratuity, or reward whatever, other than such salary as shall be allowed him by the crown for any thing done by him in the execution of this Act or of his office or employment aforesaid, every such officer on being convicted thereof shall forfeit his office and the sum of one hundred pounds, and shall be deemed thenceforth incapable of being employed in any office or employment under the crown.

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Quorum of commissioners.

LVI. AND be it further enacted, that any thing by this Act directed or required to be done by the commissioners for the herring fishery to be appointed pursuant to this Act shall and may be done by such number of them as by the letters patent for the appointment of such commissioners shall be determined.

Recovery and application of penalties and forfeitures.

LVII. AND be it further enacted, that any fine, penalty, or forfeiture by this Act imposed, except in any case where other provision is hereby made, shall be sued for, recovered, and levied as any fine, penalty, or forfeiture may be sued for, recovered, or levied by any law or laws of customs or excise, or by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster, or in the Court of Exchequer in Scotland respectively; one moiety of such fine, penalty, or forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall inform or sue for the same.

Provisions for protection of justices, &c. in the execution of their offices, to extend to this Act.

LVIII. AND be it further enacted, that all privileges, protections, and provisions given and ordained by any Act or Acts for justices of the peace or officers of the customs and excise on the occasion of their acting in the execution of their respective offices, as to any action or suit, or the tendering of amends, or the payment of costs or other thing, shall extend to the aforesaid commissioners of the herring fishery, and to the superintendant and the officers of the fishery appointed in pursuance of this Act, and to all persons appointed to act under them or acting in their aid or assistance in the execution thereof.

Officers not liable to suits for acts done in enforcing this Act.

LIX. AND be it further enacted, that no superintendant or other officer, acting in the execution of any of the provisions of this Act or in the enforcing any rules and regulations made and in force under the authority thereof, shall be deemed a trespasser or be liable to any action, suit, or prosecution for or by reason of any act, matter, or thing done in the execution of his office, and for the carrying the provisions of this Act into execution, and enforcing any rules or regulations established under the same, and not done by him maliciously; and if any person shall bring a suit or action for any such matter or thing, and the court or jury shall find that the same was not done

maliciously, such person shall be nonsuited, and pay treble costs to the defendant [Rep., 5 & 6 Vict. c. 97. s. 2.].

Jurisdiction of sheriffs, &c. in Scotland extended to bays, &c. in or adjacent to their counties.

LX. AND whereas it may be useful to provide a jurisdiction for preserving order and settling disputes among persons carrying on the fishery for herrings on the coast and in the lakes of Scotland: Be it therefore enacted, that the jurisdiction of the sheriffs and stewarts depute of Scotland and their substitutes shall be extended over all persons engaged in catching, curing, and dealing in fish in all the lochs, bays, and arms of the sea within their respective counties and stewartries, and also within ten miles of the coasts of their said counties and stewartries, and that in as full and ample a manner as the same is exercised over the inhabitants of these counties and stewartries; and if any loch, bay, or arm of the sea shall adjoin to two or more counties or stewartries, or any other part of the sea shall be within ten miles of the coasts of two or more counties or stewartries, the sheriffs and stewarts of the said counties and stewartries shall have and exercise a concurrent jurisdiction over such persons as aforesaid in any such loch, bay, or arm of the sea which shall be in or opposite to their respective counties and stewartries, or any part of the sea within the aforesaid distance of the coast thereof.

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CHAPTER CXIII.

An Act to empower Grand Juries in Ireland (or Persons appointed by them) to sell or exchange Ground that has been occupied by old Court Houses, Gaols, or County Infirmaries, and the Materials thereon.

[30th June 1808.]

WHEREAS new court houses, gaols, and county infirmaries have been built or may hereafter be built in many counties in Ireland, and it is necessary to enable grand juries to dispose of the ground on which such old court houses, gaols, and county infirmaries stand, and of any buildings or materials thereon, and to grant a sufficient title thereto: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where the grand jury of any county or county of a city or county of a town shall have procured ground to build or erect a new court house, gaol, or county infirmary, and that the same is completed and in use, and that such grand jury shall conceive it expedient to sell, exchange, or otherwise dispose of the land occupied by or in any way appertaining to such old court house, gaol, or county infirmary, or any building thereon, in any county or county of a city or county of a town in Ireland, it shall and may be lawful for the grand jury at any assizes for any such county or any county of a city or county of a town in which such old court house, gaol, or county infirmary is situated, to appoint and nominate any number of persons not less than five as commissioners to sell, exchange, or otherwise dispose of any such ground, or of any building or materials thereon; and such commissioners or any three of them so appointed shall have full power to sell by auction, to exchange, or otherwise dispose of any such ground, or any building thereon, or to dispose of separately or together of any

Grand juries in Ireland may appoint commissioners to sell or exchange premises that have been used for court houses, gaols, &c.

timber, slates, stones, bricks, or other materials thereon, and to make contracts and agreements for and concerning the same, to sign leases or deeds conveying the same, and to do all matters and things requisite for carrying such agreements into due execution for and on behalf of such county, county of a city, or county of a town, such agreement nevertheless and the leases and deeds conveying the same to be laid before the grand jury at the following assizes, and, if approved of by such grand jury, the foreman is to affix his name thereto; and the money arising from such sale of such ground or materials shall be paid to the treasurer of such county, county of a city, or county of a town, and by him placed to the credit of the county at large, and may be disposed of by the grand jury for or in aid of any new court house, gaol, or county infirmary, or in such other manner as by law they shall be entitled, for the general advantage of such county or county of a city or county of a town at large.

II. AND whereas in many cases there is much difficulty in making out a title to grounds that have been so occupied by such old court houses, gaols, and county infirmaries, although there has not appeared any claimant thereto for many years: Be it therefore enacted by the authority aforesaid, that all such ground or any buildings thereon that has been occupied as aforesaid for sixty years and upwards in a peaceable and quiet manner and without any claimant on record in any court of law, such peaceable and quiet possession for sixty years shall be considered as a good and valid title; and such commissioners so appointed as aforesaid or any three of them shall have full power and authority to convey the interest, fee, and inheritance thereof in as large and as ample a manner as the same was held and enjoyed by the county; and such conveyance by deed, lease, or other instrument signed by such commissioners, or any three of them, and approved of by the grand jury as aforesaid, shall be deemed, taken, and considered as a good, sufficient, and valid title in law, said grand jury nevertheless being first satisfied as to the due payment of the purchase money to the treasurer as aforesaid, or as to any other valuable consideration that may have been agreed for thereto; and it shall and may be lawful for such grand jury to grant a presentment for all reasonable expences attending the disposal and conveyance of such ground and materials.

Peaceable possession for sixty years deemed a good title.

Presentment for expences of sale, &c.

CHAPTER CXXVII.

AN ACT to render valid certain Marriages solemnized in certain Churches and Publick Chapels in which Banns had not usually been published before or at the Time of passing an Act made in the Twenty-sixth Year of the Reign of his late Majesty King George the Second, intituled "An Act "for the better preventing of clandestine Marriages." [30th June 1808.]

WHEREAS since the making of an Act passed in the twenty-sixth year of the reign of his late Majesty King George the Second, intituled "An "Act for the better preventing of clandestine marriages," and of two Acts, one passed in the twenty-first year of the reign of his present Majesty, intituled "An Act to render valid certain marriages solemnized in certain churches "and publick chapels in which banns had not usually been published before or "at the time of passing an Act made in the twenty-sixth year of King George "the Second, intituled 'An Act for the better preventing of clandestine mar-"'riages,'" and the other passed in the forty-fourth year of the reign of

Recital of 26 Geo. 2. c. 33

21 Geo. 3. c. 53

44 Geo. 3. c. 77. his present Majesty, intituled "An Act to render valid certain marriages "solemnized in certain churches and publick chapels in which banns had not "usually been published before or at the time of passing an Act made in the "twenty-sixth year of the reign of his late Majesty King George the Second, "intituled 'An Act for the better preventing of clandestine marriages'": And whereas divers marriages have been solemnized since the passing of the said last-mentioned Act within that part of Great Britain called England, Wales, and town of Berwick-upon-Tweed, in divers churches and chapels duly consecrated, but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first-mentioned Act, such marriages have been or may be deemed to be void: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all marriages already solemnized or to be solemnized before the twenty-third day of August one thousand eight hundred and eight in any church or publick chapel in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, duly consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches or publick chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said last-mentioned Act.

Marriages solemnized before Aug. 23, 1808, in any church or chapel duly consecrated, shall be as valid as if solemnized in parish churches.

Ministers who shall have solemnized such marriages indemnified.

II. AND be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who before the said twenty-third day of August one thousand eight hundred and eight shall have solemnized any of the marriages which are hereby enacted to be valid in law, shall be and they are hereby indemnified against the penalties inflicted by the said recited Act made in the twenty-sixth year of the reign of his said late Majesty King George the Second upon persons who shall solemnize marriages in any other place than a church or publick chapel in which banns had been usually published before or at the time of passing the said last-mentioned Act.

Registers of such marriages to be received in evidence.

III. AND be it further enacted by the authority aforesaid, that the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof shall be received in all courts of law and equity in evidence in the same manner as the registers of such marriages solemnized in parish churches or publick chapels, in which banns were usually published before or at the time of passing the said recited Act of the twenty-sixth year of the reign of his said late Majesty King George the Second, or copies thereof are received in evidence: Provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies in evidence as would have been available to the receiving the same in evidence if such registers or copies had related to marriages mentioned in such last-mentioned parish churches or publick chapels as aforesaid.

Registers of marriages solemnized in publick chapels shall be removed to the parish churches, &c.

IV. AND be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any publick chapels which are hereby enacted to be valid in law shall, within thirty days next after the said twenty-third day of August one thousand eight hundred and eight, be removed to the parish church of the parish in which such chapel shall be situated; and in case such

chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place; to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said recited Act made in the twenty-sixth year of the reign of his said late Majesty King George the Second; and within twelve months after the removal of such registers to such parish churches respectively two copies thereof respectively shall be transmitted by the respective churchwardens of such parishes to the bishop of the diocese or his chancellor, subscribed by the hands of the minister and churchwardens of such parishes respectively, to the end that the same may be faithfully preserved in the registry of the said bishop.

CHAPTER CXXVIII.

AN ACT to repeal so much of an Act passed in the Forty-fifth Year of his present Majesty for regulating the Office of Paymaster General as requires certain Accounts to be examined and settled within certain Periods by the Secretary at War, and enabling his Majesty to make Orders for examining and settling such Accounts. [30th June 1808.]

Recital of 45 Geo. 3. c.

WHEREAS an Act passed in the forty-fifth year of the reign of his present Majesty, intituled "An Act to repeal an Act made in the twenty-third year of "his present Majesty for the better regulation of the office of paymaster general of "his Majesty's forces, and the more regular payment of the army, and for the more "effectually regulating the said office"; and certain provisions are contained in the said Act as to periods within which certain accounts of agents of regiments in his Majesty's forces transmitted to the secretary at war are to be examined and settled: And whereas it has been found that the said provisions cannot be strictly complied with: And whereas the commissioners appointed to enquire and examine into the public expenditure and the conduct of public business in certain military departments are proceeding in an inquiry in relation to the War Office and the accounts thereof, and as to regimental accounts and expenditures; and it is therefore expedient that the said provisions of the said recited Act should be repealed, and that his Majesty should be empowered to order and direct all such accounts to be kept and made up and transmitted and examined and settled by such person or persons in such manner, at such times, and at such periods as shall be deemed expedient, so that any of the regulations which may be suggested by such commissioners, or which it may be otherwise thought proper to adopt, may be carried into execution with the least possible delay for the public service: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said recited Act as requires the annual accounts of every regiment, troop, and company to be examined and settled by the secretary at war, or by such other person or persons as shall be duly authorized by his Majesty for that purpose, within three months after the receipt thereof, and further requires certificates of the several charges allowed in the said accounts to be transmitted to the office of the paymaster general of his Majesty's forces, with warrants signed by the King, shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

So much of recited Act requires the nual accour of every re ment to be settled by t secretary at war, and re quires certi cates of the charges al lowed to be transmitted the paymas of the force repealed.

II. AND be it further enacted, that it shall be lawful for his Majesty by any warrant or warrants under his royal sign manual to make and issue such orders and declare and establish such rules and regulations for the more speedy and effectual examination and settlement of the accounts of regimental expenditures, or of such other expenditures for army services as usually have been or shall be hereafter examined in the office of the secretary at war, as shall appear to be most expedient, and to facilitate the final examination and settlement of such accounts.

His Majest may make gulations fo the speedy settlement accounts of regimental penditures,

44 Geo. 3. c. 77. his present Majesty, intituled "An Act to render valid certain marriages "solemnized in certain churches and publick chapels in which banns had not "usually been published before or at the time of passing an Act made in the "twenty-sixth year of the reign of his late Majesty King George the Second, "intituled 'An Act for the better preventing of clandestine marriages'": And whereas divers marriages have been solemnized since the passing of the said last-mentioned Act within that part of Great Britain called England, Wales, and town of Berwick-upon-Tweed, in divers churches and chapels duly consecrated, but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first-mentioned Act, such marriages have been or may be deemed to be void: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all marriages already solemnized or to be solemnized before the twenty-third day of August one thousand eight hundred and eight in any church or publick chapel in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, duly consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches or publick chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said last-mentioned Act.

Marriages solemnized before Aug. 23, 1808, in any church or chapel duly consecrated, shall be as valid as if solemnized in parish churches.

Ministers who shall have solemnized such marriages indemnified.

II. AND be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who before the said twenty-third day of August one thousand eight hundred and eight shall have solemnized any of the marriages which are hereby enacted to be valid in law, shall be and they are hereby indemnified against the penalties inflicted by the said recited Act made in the twenty-sixth year of the reign of his said late Majesty King George the Second upon persons who shall solemnize marriages in any other place than a church or publick chapel in which banns had been usually published before or at the time of passing the said last-mentioned Act.

Registers of such marriages to be received in evidence.

III. AND be it further enacted by the authority aforesaid, that the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof shall be received in all courts of law and equity in evidence in the same manner as the registers of such marriages solemnized in parish churches or publick chapels, in which banns were usually published before or at the time of passing the said recited Act of the twenty-sixth year of the reign of his said late Majesty King George the Second, or copies thereof are received in evidence: Provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies in evidence as would have been available to the receiving the same in evidence if such registers or copies had related to marriages mentioned in such last-mentioned parish churches or publick chapels as aforesaid.

Registers of marriages solemnized in publick chapels shall be removed to the parish churches, &c.

IV. AND be it further enacted by the authority aforesaid, that the registers of all marriages solemnized in any publick chapels which are hereby enacted to be valid in law shall, within thirty days next after the said twenty-third day of August one thousand eight hundred and eight, be removed to the parish church of the parish in which such chapel shall be situated; and in case such

Commissioners of teinds may refuse to augment or modify stipends.

VII. PROVIDED further, and be it enacted, that in all cases whatsoever where an augmentation or modification of stipend shall have been or shall be applied for, and which shall be judged of, or a decision pronounced therein, after the passing of this Act, by the said lords of council and session as commissioners aforesaid, it shall and may be competent to them to refuse to augment or modify any stipend in any such case, either on account of there being no legal fund of augmentation or on account of the circumstances of the case; and it shall and may be competent for any party or parties to propone all relevant objections in every case whatsoever where an augmentation or modification shall be applied for, and which objections shall be determined by the said lords of council and session as commissioners aforesaid as heretofore.

Stipends which shall be augmented shall be wholly modified in grain or victual, unless where it shall appear necessary.

VIII. AND be it further enacted, that every stipend which shall be augmented after the passing of this Act shall be wholly modified in grain or victual, even although part of the whole thereof shall have been previously modified in money, or although part of the whole of the teinds shall be money teind, unless where it shall appear necessary, on account of the state of the teinds, or on account of the interest of the benefice, or on account of the nature of the articles other than grain or victual which have been in use to be delivered in kind as stipend, that a part of the said stipend should be modified not in grain or victual but in money, or should be modified in such other articles as have been in use to be delivered in kind as stipend.

Money stipends to be converted into grain or victual, except as aforesaid, according to the fiar prices of the county on average of seven years.

IX. AND be it further enacted, that in the case of every decree of modification which shall be pronounced after the passing of this Act as aforesaid, it shall and may be competent to the said lords of council and session as commissioners aforesaid, and they are hereby authorized and required, to convert the said money stipend or money teind into grain or victual, save and except as aforesaid; and to make such conversion into grain or victual according to the fiar prices of the kind or description of grain or victual into which the same shall be converted, as appearing from the fiars of the county or stewartry struck for each year in virtue of authority from the sheriff or stewart in which the parish shall be situated, upon an average of such fiar prices for seven years preceding the date of the decreet of modification, and exclusive of that year in which such decreet of modification shall bear date.

Where the parish shall not be altogether situated in one county, &c. the fiar prices may be taken from two or more adjoining counties.

X. PROVIDED always, and be it enacted, that where such parish shall not be altogether situated in the same county or stewartry, or where no fiars applicable to the kind or description of grain modified shall be struck in the county or stewartry wherein such parish is situated, it shall be competent for the said lords of council and session as commissioners aforesaid, to convert the said money into grain or victual according to the average of the aforesaid seven years of the fiar prices of two or more of the adjoining counties, or of such stewartry, county or counties as they shall deem most suitable in the circumstances of the case.

Ministers not to receive stipend in kind, but to receive it in money according to the fiar prices of the grain, &c. into which the same shall have been modified.

XI. AND be it further enacted, that it shall not be competent for the lords of council and session as commissioners aforesaid, where a stipend shall after the passing of this Act be modified in grain or victual, in whole or in part, to authorize the minister to receive the same or any part thereof in kind, but that it shall only be competent for them to decree the value thereof to be paid or for him to receive the same in money, according to the fiar prices of the kind or description of grain or victual into which the same shall have been

modified, as appearing from the annual fiars of the county or stewartry in which the parish, the stipend of which shall have been so modified, shall be situated, struck in virtue of authority from the sheriff or stewart, for that crop or year for which such stipend modified in grain or victual shall be payable.

Where the parish shall not be altogether situated in one county, &c. two or more commissioners may fix upon adjoining counties for taking the fiar prices.

XII. PROVIDED always, and be it enacted, that where any such parish shall not be altogether situated in one and the same county or stewartry, or where no annual fiars applicable to the kind or description of grain or victual modified, shall be struck in the county or stewartry wherein such parish is situated, it shall be competent for the said lords of council and session as commissioners aforesaid to fix upon and specify two or more of the adjoining counties, or such stewartry, county, or counties as they shall deem most suitable in the circumstances of the case, according to the annual fiar prices of which stewartry, county, or counties they shall decree the value thereof to be paid in money.

Conversion to be made according to the highest fiar prices.

XIII. PROVIDED always, and be it enacted, that where there shall have been or shall be different rates of annual fiar prices for any county or stewartry, district or place struck in virtue of authority from the sheriff or stewart, the said conversion from money into grain or victual, and from grain or victual into money, in all of the cases aforesaid, shall be made according to the highest annual fiar prices struck in virtue of authority from the sheriff or stewart for the said county, stewartry, district or place.

Right of surrendering teinds not to be taken away.

XIV. PROVIDED always, and be it enacted, that the right of any heritor to surrender his valued teind in place of subjecting his lands to the amount of the stipend localled upon them shall not be taken away by what is herein enacted.

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Regulations may be made for abridging the forms and expence of citation, and for expediting the business, &c.

XVI. AND be it enacted, that it shall be lawful for the said lords of council and session as commissioners aforesaid, and they are hereby empowered and required, to establish rules and regulations for abridging the forms and expence of citation of heritors and others, and for ascertaining the facts and circumstances of the case, and to establish regulations for executing the business committed to them by the said in part recited Act of the Parliament of Scotland, and by the present Act, with as much expedition and as little expence as possible.

In cases of augmentation moderator and clerk of the presbytery to be cited, and furnished with statement of present stipend, and the addition intended to be craved, &c.

Presbytery may appear as parties to the process.

XVII. AND in order to guard against collusion, and also in order that no processes of augmentation or for modification of stipends shall be raised on the ground of alledged collusion, be it further enacted, that every minister insisting in the process of augmentation shall after the passing of this Act, besides citing the heritors, also cite the moderator and clerk of the presbytery of the bounds, and furnish them with a statement of the amount of his present stipend, and the addition to the stipend which he means to crave, in order that the presbytery, if they shall judge it proper, may appear as parties to the process; and in the event of the presbytery entering no appearance, the minister shall forthwith transmit to the moderator or clerk of the presbytery a certified copy of the interlocutory pronounced by the court; and it shall be competent to the presbytery, within five months after such interlocutor is pronounced, to enter an appearance, and to shew, if they shall see cause, that the decree of modification pronounced is collusive and prejudicial to the benefice: Provided, that if the presbytery shall enter an appearance

in such process, it shall be competent to the court to subject the minister insisting in such process in the whole or any part of the expences of process incurred by the presbytery.

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CHAPTER CXL.

AN ACT for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis. [30th June 1808.]

WHEREAS an Act was made in the Parliament of Ireland in the thirty-fifth year of his present Majesty's reign, intituled "An Act for more effectually preserving "the peace within the city of Dublin and the district of the metropolis, and esta- "blishing a parochial watch in the said city": And whereas another Act was made in the Parliament of Ireland in the thirty-sixth year of his present Majesty's reign, "for explaining and amending the said recited Act of the thirty-fifth year, and for "remedying the abuses committed by pawnbrokers within the district of the said "metropolis or three miles thereof": And whereas another Act was made in the Parliament of Ireland in the thirty-ninth year of his present Majesty's reign to amend the said recited Acts of the thirty-fifth and thirty-sixth years of his present Majesty's reign: And whereas another Act of Parliament was made in Ireland in the fortieth year of his present Majesty's reign, intituled "An Act for amending and making "perpetual the several laws for regulating the watch in the district of the metropolis, "and for granting a further duty upon pawnbrokers": And the said Acts have been found insufficient for effectuating the said purposes: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Acts of the thirty-fifth and thirty-sixth years of his present Majesty's reign, and every matter and thing therein contained, and also so much of the said Acts of the thirty-ninth and fortieth years of his present Majesty's reign as relates to the watch establishment, shall be, and the same are hereby repealed; (save and except so much of the said Acts or any of them respectively as repeals any former Act or Acts, or any clause, power, or authority, or provision given or enacted by any former Act or Acts, and save and except so much of the said Acts or any of them as provide for the payment of any salary or salaries to any person or persons in respect of having held any office or offices whatsoever abolished by the said Acts or either of them, and also save as herein-after mentioned.) [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Recital c Irish Ac 35 Geo. 3

36 Geo. 3

39 Geo. 3

40 Geo. 3

Recited of 35 an Geo. 3. so much 39 and 4 Geo. 3. relates t watch est ment, re

II. AND be it further enacted, that his Majesty's castle of Dublin, and all places within eight miles thereof in every direction, as to all matters and things not within the jurisdiction of the court of Admiralty of Ireland, shall be united in one district, and be called "The Police District of Dublin Metropolis." [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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III. AND be it further enacted, that the said police district shall be divided into six divisions; and that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland for the time being, by warrant under hand and seal, from time to time to direct, declare, and point out the limits of the said divisions respectively, and to change the same from time to time at his or their will and pleasure, and to cause six several public offices to be established, one thereof in each of the said divisions, and to cause the same to be changed from time to time as he or they shall think proper. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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IV. AND be it enacted, that there shall be appointed in manner herein-after mentioned eighteen fit and proper persons to be divisional justices within the said district, six whereof to be barristers of not less than six years standing each; and that twelve of the said divisional justices shall be appointed by the lord lieutenant or other chief governor or governors of Ireland for the time being; to wit, six barristers of such standing as aforesaid, and three aldermen of the city of Dublin, and three persons being sheriffs peers or members of the common council of the said city, whom he or they shall think proper; and it shall be lawful for the lord lieutenant or other chief

Appoint of divisi justices

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governor or governors of Ireland for the time being, to appoint a receiver, not being an alderman of the city of Dublin, who shall be called "the receiver of the public "offices in the police district of Dublin metropolis," which receiver shall be incapable of being appointed or elected a divisional justice under this Act, and shall be removable from time to time by the lord lieutenant or other chief governor or governors of Ireland for the time being at his and their good will and pleasure. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Election of six of the divisional justices.

V. AND be it further enacted, that the other six divisional justices shall be elected to the said offices, subject to the approbation of the said lord lieutenant or other chief governor or governors of Ireland for the time being, and the privy council, in manner herein-after mentioned; and that the persons so to be elected shall be three aldermen of the city of Dublin and three sheriffs peers. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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Lord lieutenant to appoint one of the justices chief magistrate of the police.

Office of the castle division to be the head office.

XI. AND be it enacted, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland for the time being, by warrant under hand and seal, to nominate any one of the said divisional justices, being an alderman, whom he shall think proper, to be the chief magistrate of the police of Dublin, and in like manner to change the same at his and their good will and pleasure, and such chief magistrate shall for the time being be one of the divisional justices of the division in which his Majesty's castle of Dublin shall be situate; and that the office of the said division shall be called "The Head Office of the Police." [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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Divisional justices, &c. incapable of sitting in the House of Commons, and such of them as may be barristers incapable of practising.

XIV. AND be it enacted, that the said divisional justices and receiver and all other persons holding any office in or under the said police establishment shall be incapable of being chosen members of or sitting in the House of Commons in any Parliament during such time as they shall hold the said offices respectively; and that no barrister who shall be appointed or elected a divisional justice under this Act shall, while he shall hold the said office, practise as a barrister in any court whatever, or do any business as a barrister out of court, in drawing deeds or pleadings in law or equity or any draft or drafts thereof respectively, or in giving any opinion or opinions, or otherwise; and if any such barrister shall offend herein, he shall for every such offence forfeit the sum of five hundred pounds sterling.

No barrister or other officer acting under this Act (with certain exceptions) to vote or interfere in the election of members of Parliament for the county or city of Dublin.

XV. AND be it further enacted, that no barrister or other officer or person nominated or appointed by or under this Act (except the said divisional justices who shall be aldermen, sheriffs peers, or common councilmen), shall, during the time he shall continue in his office or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the county of Dublin or the city of Dublin respectively, nor shall by word, message, writing, or in any other manner endeavour to persuade any elector to give or dissuade any elector from giving his vote for his choice of any person to be a member to serve in Parliament for the said county and city of Dublin respectively; and every such officer or person as aforesaid offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety to be paid to the said receiver of the said public offices to be applied to the uses of the said establishment, to be recovered by any person that shall sue for the same by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Dublin, in which no essoign, protection, privilege, wager of law, nor more than one imparlance shall be allowed; such action to be brought within the space of one year after such offence so committed: Provided always, that

nothing in this Act shall extend or be construed to extend to subject such officer or person as aforesaid to any penalty or penalties for any act or acts done by him at or concerning any of the said elections in discharge of his duty or duties in his respective capacity.

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Divisional justices to retain clerks and constables.

XIX. AND be it further enacted by the authority aforesaid, that the divisional justices under this Act shall in their respective offices retain and employ a sufficient number of clerks, and also a sufficient number of fit and able men, whom they or any of them are hereby respectively authorized and empowered to swear in to act as constables for preserving the peace and preventing robberies and other felonies and apprehending offenders against the peace within the said police district of Dublin metropolis, as well by night as by day; which said constables so appointed and sworn as aforesaid shall have all such powers, authorities, privileges, and advantages as any constable duly appointed now has or hereafter may have by virtue of any law or statute in force in Ireland, and shall obey all such lawful commands as they shall from time to time receive from the said divisional justices under this Act respectively, for the apprehending offenders or otherwise conducting themselves in the execution of their said office or employment by day or night; and such divisional justices or any two of them shall and may at any time dismiss from his said employment every such constable belonging to their respective offices, whom they shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same, and appoint such others in their stead as to them shall seem meet: Provided always, that no greater number than two clerks and three office constables and four peace officers shall at any one and the same time be so retained as aforesaid at any one of the said publick offices, except at the office of the division in which his Majesty's castle of Dublin shall be situate, and in which the said chief magistrate of police shall be one of the divisional justices as aforesaid; and in the office of the said division no greater number than two clerks and three office constables and twenty-eight peace officers shall at any one time and the same time be so retained: Provided also, that if any person so appointed a constable as aforesaid shall be dismissed from the said employment, all powers and authorities vested in him as a constable under and by virtue of this Act shall immediately cease and determine to all intents and purposes whatsoever. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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No justice or his clerk, &c. to take any fee within the police district, except at the offices.

XXVII. AND be it further enacted, that no justice of the peace for the county of Dublin or for the county of the city of Dublin, or his or their clerk or clerks, or any person for them, other than at the said public offices, shall directly or indirectly, upon any pretence or under any colour whatever, take or receive any fee, gratuity, reward, or recompence for any act by him or them done or to be done in the execution of his or their office or employ as justice or justices of the peace, clerk or clerks as aforesaid within the limits of the said police district of Dublin metropolis, upon pain of forfeiting the sum of one hundred pounds for every such offence: Provided always, that nothing herein contained shall extend or be construed to extend to prevent the lord mayor of the city of Dublin, or the president of the court of conscience or of the crown office, or the magistrate attending in the rotation office for the time being from receiving such fees as they are by law entitled to.

Divisional justices and their clerks to keep account of fees, &c.;

XXVIII. AND be it further enacted, that the divisional justices aforesaid and their clerks respectively shall, in books to be provided for that purpose, keep a full, true, and particular account of all the fees taken and received at each of the said public offices, together with all fines, penalties, and forfeitures which shall have been recovered, levied, or received in pursuance of any adjudication, conviction or order had or made at any of the said public offices, or any process or warrant issuing from the same [Rep., Stat. Law Rev. Act, 1872 (No. 2).]; and the said justices shall once in every month deliver unto such receiver such account, verified upon oath by such justice or justices, their clerk or clerks, and such other person or

persons as shall be employed in keeping such accounts respectively, or any part thereof, before the lord mayor of the city of Dublin, which oath the said lord mayor is hereby authorized and required to administer, and shall pay or cause to be paid the amount of all such fees to such receiver.

and pay the amount to the receiver of the public offices.

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Persons charged with offences in the police district may be taken in any part of Ireland under warrant of divisional justices.

XXXI. AND be it further enacted, that in case any person or persons charged on oath of one or more credible witnesses with any treason or felony committed within the said police district of Dublin metropolis shall fly for the same, or remove to or be found or be in any other part of Ireland, then and in every such case the warrant or warrants of the said divisional justices or any of them shall have full force and effect in any part of Ireland to which such person or persons may have fled or removed, or where such person or persons shall be found or be; and all gaolers and keepers of prisons are hereby authorized and directed to receive into their custody such person or persons when apprehended or in custody under or by virtue of such warrant, and each and every of them in safe custody to keep until transmitted to the said district of Dublin metropolis, any law or usage to the contrary notwithstanding.

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Penalty on justices how to be recovered.

XXXIV. AND be it enacted, that . . . . . every justice offending in any particulars aforesaid shall forfeit the sum of twenty pounds, to be recovered by civil bill in the court of proper jurisdiction. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

No person charged with high treason shall be admitted an approver without consent of attorney general or solicitor general.

XXXV. AND be it enacted, that no person charged with or accused of having committed any high treason within the said police district shall be admitted to give evidence for the crown against his or her accomplice or accomplices without the previous consent in writing of his Majesty's attorney general, or, in his absence or in the vacancy of the said office, of his Majesty's solicitor general; and any justice offending herein shall forfeit the sum of one hundred pounds, to be recovered in like manner.

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Constables may break open houses to search for traitors, felons, &c.

XLVI. AND be it further enacted, that it shall and may be lawful for the said constables or any of them, being duly authorized thereto by the warrant of any two of the said divisional justices, one of whom to be an alderman, which warrant any such divisional justice on information on oath to him given is hereby authorized to grant, to break open any dwelling-house, out-house, shop, warehouse, cellar, or other place named in such warrant, as shall not be opened on demand, after due notice of such warrant, in order to search for traitors or felons, or accessories to any traitors or felons, or receivers of stolen goods, or to search for any goods, chattels, or other things stolen or feloniously taken or carried away. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Justices, constables, &c. indemnified though the goods shall appear not to be stolen, or no felons, &c. be found in the houses.

XLVII. AND be it further enacted, that in case the goods, chattels, or other things so carried and conveyed as aforesaid, shall not have been stolen, or in case [Rep., Stat. Law Rev. Act, 1872 (No. 2).] no felon or accessary to felony, or receiver of stolen goods, nor any goods or chattels stolen or feloniously taken or carried away shall be found in such dwelling-house, out-house, shop, warehouse, cellar, yard, or other place, and that any action, suit, plaint, or information against any person or persons for such apprehending, entering, or breaking shall be commenced within six months after the offence committed; and any such person so sued or prosecuted may plead the general issue of not guilty, and upon issue joined may give this Act and the special matter in evidence [Rep., Stat. Law Rev. Act, 1872 (No. 2).]; and if the plaintiff or prosecutor shall become nonsuit or forbear prosecution, or suffer a discontinuance, or if a verdict or judgment on demurrer shall pass against him, the defendant shall recover [treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Plaintiffs, where there appears probable cause for doing the act complained of, to have only 6*d.* damages, &c.

XLVIII. PROVIDED always, and be it further enacted, that when a verdict shall be given for the plaintiff in any such action or suit, and it shall appear to the judge or judges before whom the same shall be tried that there was probable cause for doing the act complained of in such action or suit, and that the judge or court shall certify the same on the record, then and in such case the plaintiff shall not be entitled to more than sixpence damages, nor to any costs of suit: Provided also, that where a verdict shall be given for the plaintiff in any such action as aforesaid, and the judge or court before the same shall be tried shall certify on the record that the injury for which action is brought was wilfully and maliciously committed, the plaintiff shall be entitled to treble costs of suit. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Penalty on any person concealing stolen goods, &c.

XLIX. AND be it further enacted, that any person in whose dwelling-house, out-house, shop, warehouse, cellar, yard, or other place within the said police district any such stolen goods or chattels or any receiver of stolen goods shall be knowingly and wilfully harboured or concealed shall, upon being convicted by due course of law of so knowingly and wilfully harbouring or concealing such goods and chattels or any such receiver of stolen goods, for the first offence forfeit the sum of one hundred pounds, and for every subsequent offence the sum of two hundred pounds, or, if he or she shall be unable to pay the same, shall be committed to prison, without bail or mainprize, for any time not less than three or more than six calendar months for the first offence, nor less than six nor more than twelve calendar months for every subsequent offence; such forfeiture to be recovered by civil bill in the court of the recorder of the city of Dublin.

Publicans, pawnbrokers, &c. to give notice of their names, abode, &c.

L. AND be it further enacted, that every person selling or being licensed to sell beer, ale, or spirituous liquors, or exercising or in any way carrying on the trade and occupation of a pawnbroker, watchmaker, buyer of old iron, lead, copper, tin, pewter, or other metal, gold and silver only excepted, or old building materials, and all and every dealer or dealers in old furniture or old cloaths, all and every broker or brokers dealing in any second-hand goods or commodities whatsoever, or stablekeepers, or other persons letting any horse, mare, or gelding for hire within the said police district shall in every year before the twenty-fifth day of March give notice of his or her name, place of abode, and occupation to the divisional justices of the division in which he or she shall reside by a note in writing, stating the said matters, and directed to the said divisional justices, and left for them at the police office of such division, or with some of their clerks or constables belonging to such office, and as often as he or she shall change his or her place of abode shall immediately give a like notice according to such new place of abode; and as often as such notice shall be given such divisional justices or any of them shall grant a certificate to such person or persons of his, her, or their having given such notice, for which certificate such person or persons shall not be liable to pay any fee or reward; and every such person who shall fail in giving such notice shall upon conviction thereof forfeit the sum of five pounds.

Such persons having stolen goods to produce them on notice, and state from

LI. AND be it further enacted, that as often as any of the said persons so required to give such notice shall have in his, her, or their possession any goods or chattels, and after receiving a printed or written notice of such goods or chattels being stolen, with a description thereof, shall wilfully omit or

whom they were received, &c.

refuse to make discovery to the divisional justices of the division in which he or she shall reside, or to some of them, of so having the same in his or her possession, and of the person or persons from whom he, she, or they received them, or shall, on being duly required by notice in writing signed by any of the said divisional justices, neglect or omit to attend at the office of his or her proper division at such time as shall be mentioned in such notice or order, or refuse to be examined concerning the same, every such person shall upon being convicted thereof forfeit the sum of fifty pounds, and the value of such goods and chattels; and if he, she, or they upon requisition made by any of the constables to produce the same shall omit or refuse so to do, every person so offending shall, upon being convicted thereof, forfeit the like sum of fifty pounds, and the value of such goods and chattels; and if such person shall be unable to pay such fine or penalty, he or she shall be committed to the house of correction for any time not exceeding six months, at the discretion of the divisional justices before whom such person shall have been convicted.

Constables to search for concealed arms, &c.

LII. AND be it further enacted, that it shall and may be lawful for the said constables or any of them, being thereto duly authorized by the warrant of any of the divisional justices appointed under this Act, to search all suspected places in such warrant mentioned for concealed arms; and if such constables shall thereupon find any gun, pistol, sword, blunderbuss, pike, dagger, or hanger, or other arms in the possession of any person not qualified by law to bear or carry arms, he is hereby required and authorized to seize and carry the same to the publick office of such division, and the justices of such division are required to send such arms so seized to his Majesty's arsenal, to be applied to the use of his Majesty, his heirs and successors; and the person in whose possession the said arms shall be so found shall find sureties for his or her good behaviour for three years, or shall be committed to prison by the said divisional justices or any one of them until he shall give such security: Provided always, that no such warrant shall be granted except on the information given to the said parties or any of them upon the oath of one or more credible witnesses that to the best of his, her, or their knowledge and belief such unqualified person is in possession of arms as aforesaid.

Nightwalkers, &c. to be apprehended, and, in default of giving security for good behaviour, to be deemed rogues and vagabonds.

LIII. AND be it further enacted, that all nightwalkers, all persons notoriously suspected of being thieves, and all persons gaming or tippling in the publick streets, bye places, or fields within the police district of Dublin metropolis shall or may be apprehended by any of the said constables, or by any patrole or watchman, and carried to the publick office of the division; and if any such person shall not give security for his or her good behaviour, he or she shall be adjudged, deemed, and taken to be a rogue and a vagabond within the meaning of the statutes in that behalf in force in Ireland; . . .

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All crimes committed on or within the circular road to be tried, &c. as if committed in the county of the city of Dublin.

LVII. AND for carrying into execution the good purposes of this Act, be it enacted, that all treasons, felonies, misdemeanors, crimes, and offences whatsoever which shall hereafter be done or committed in any place situate in or upon any part of the circular road surrounding the city of Dublin, or in any place situate within the limits circumscribed by the said circular road, shall be

prosecuted, proceeded on, and tried in the same court and courts, and in the same manner in all respects, as if the same had been committed within the county of the city of Dublin, and shall be laid in any indictment to have been committed within the said county of the city of Dublin; and that as to the prosecution, apprehension, and trial of all persons charged with any of the said crimes or offences hereafter to be committed, the said circular road and every place lying within the same shall be and be deemed and taken to be part and parcel of the county of the city of Dublin; and that the sessions of the peace for the county of the city of Dublin shall not be adjourned for any greater length of time than from six weeks to six weeks, and that it shall and may be lawful to hold the said sessions during the law terms; provided, however, that nothing herein contained shall prevent the holding of the sessions of the peace for the county of Dublin in the usual place for holding the same, or shall in anywise affect the prosecution or trial of any person accused of having committed perjury on any trial held before a jury of the county of Dublin, but that all and every the said matters shall proceed as if this Act had not passed.

Sessions for the county of the city of Dublin.

LVIII. AND whereas the continuation of the said circular road is interrupted by his Majesty's park called The Phœnix on the west side of the said city, by reason whereof doubts may arise as to divers parts and places adjacent thereto whether the same ought to be deemed and taken to be within the limits surrounded by the said circular road or not: For obviating of which doubts, be it enacted, that where the said circular road is so interrupted on the west side of the said city, the wall bounding his Majesty's said park The Phœnix on the east side of the said park, and extending from the said circular road where the same meets the said wall on the south side of the said park to the said circular road where the same meets the said wall on the north side of the said park, shall as to the said purpose be taken and considered as and in the place and stead of the said circular road; and that all places which would be within the limits surrounded by the said circular road if the same were continued in the line in which the said piece of wall now runs, shall for the purpose aforesaid be deemed, taken, and considered to be within the limits surrounded by the said circular road; provided, however, that nothing in this Act contained shall in anywise be construed so as to prevent any offence from being prosecuted or tried in the county of the city of Dublin which would by law have been so prosecuted or tried if this Act had not passed.

Definition of the circular road on the west side of the city, for the purpose aforesaid.

This Act not to affect offences otherwise triable in the said county.

LIX. AND whereas by the provisions of this Act the duties of the recorder of the city of Dublin will be considerably increased: And whereas his present salary is inadequate to the trouble and importance of his office: Be it therefore further enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to direct the yearly sum of one thousand pounds, clear of all taxes and deductions, to be paid out of the funds applicable to the expences of the said police establishment to the said recorder of the city of Dublin, clear of all taxes and deductions whatsoever, in augmentation of his salary.

Lord lieutenant empowered out of police funds to increase recorder's salary.

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LXV. AND be it enacted, that no person shall . . . . . carry on the business of a pawnbroker within the said circular road or within

No person to carry on the business of a

pawnbroker without a licence.

eight miles thereof, ... unless he shall have a licence of force for that purpose under the provisions of this Act.

Person requiring licence, to deliver at the head office a note of his place of abode, &c.;

LXVI. AND be it further enacted, that every such person or persons as aforesaid, before he or she shall hawk, sell, or expose to sale any of the several goods, wares, and merchandizes herein-before mentioned respectively within the said limits respectively, shall deliver or cause to be delivered to the said divisional justices of the said Castle division, or to some one of them in the said head office, a note in writing under his or her hand, or under the hand of some person by him or her authorized in that behalf, of what goods, wares, or merchandizes he or she intends to hawk, sell, or expose to sale; and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] before any person shall carry on or exercise the business of a [pawnbroker within the said limits in that respect above mentioned, he or she shall deliver to the said divisional justices of the said division, or some one of them in the said general office, a note in writing under his or her hand, of his or her place of abode, and of the place where he or she intends to carry on the business of a pawnbroker; . . . .

whereupon a licence shall be granted.

. . . . . and thereupon a licence or licences shall be granted by the said divisional justices of the said Castle division, or any of them, unto him or her . . . . . for exercising the business of a pawnbroker, ... for which he or she shall, previous to the issuing thereof, pay or cause to be paid to the said receiver of the said public offices the respective duties made payable in and by an Act made in the forty-

44 Geo. 3. c. xxii.

fourth year of his present Majesty's reign, intituled "An Act for the better "defraying the charges of preserving the peace within the city of Dublin "and the district thereof, and establishing a parochial watch therein," or which shall hereafter be payable for the same, or any of them, and which shall be applicable to the purposes of this Act; which licences shall be in force until the twenty-fifth day of March next after the same shall be granted.

Licences to contain description of the person licensed, &c.

LXVII. AND be it further enacted, that the said divisional justices shall insert in such licences as they shall so issue or grant the age, place of abode, and particular description of every person to whom such licence or licences shall be granted pursuant to this Act, and shall number each licence, and keep or cause to be kept particular entries of such descriptions and licences; and that the receiver shall keep separate and distinct accounts of the duties payable thereon and applicable to the purposes of this Act.

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Penalty for acting as pawnbrokers without a licence.

LXIX. AND be it further enacted, that if any person shall exercise or carry on the trade or business of a pawnbroker within the said limits] respectively without such licence as aforesaid, every such person upon being convicted thereof shall forfeit the sum of fifty pounds.

Power of justices as to pawnbroker under Irish Acts 35 Geo. 3. c. 36. and 36 Geo. 3. c. 30. to vest in justices under this Act.

LXX. AND be it enacted, that all powers and authorities now in force and vested in the divisional justices under the said Acts of the thirty-fifth and thirty-sixth year of his Majesty's reign, shall from and after the passing of this Act, in every case relating to the business of a pawnbroker, be vested in the said divisional justices to be appointed by virtue of this Act, in their respective divisions from time to time.

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Penalty on forging licences.

LXXV. AND be it further enacted, that if any person shall forge or counterfeit or cause or procure to be forged or counterfeited any licence of the said

divisional justices or superintendant magistrate or of any of them, or shall hawk about, sell or expose to sale any goods, wares, or merchandizes before mentioned, with any such forged or counterfeited licence, knowing the same to be forged or counterfeited, every such person on being convicted thereof shall forfeit the sum of fifty pounds; and for want of sufficient goods to satisfy the said penalty, such offender shall be committed to the common gaol or house of correction for any time not exceeding twelve or less than six months, at the discretion of the justice or justices before whom such offender shall be so convicted.

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Trials, &c. for offences, where to be held.

[CXVIII.[a] AND be it enacted, that in all cases not herein otherwise particularly directed, all trials and convictions for any offences or offence against this Act which shall be committed within the police district of Dublin metropolis shall be had and made respectively in the offices of the divisions in which they shall respectively be committed, before not less than two of the said divisional justices in said divisions respectively; and where any such offence shall be committed without the said district the trial and conviction for such offence shall be had and made before any justice of the peace; and in every of the said cases, whether the offence shall be committed within or without the said police district, the fines, penalties, and forfeitures thereon respectively payable shall, if not forthwith paid, be levied by distress and sale of the offender's goods, by warrant under the hands and seals of the said justices or justice before whom such conviction shall be made respectively; and all fines, penalties, and forfeitures payable under this Act shall in all cases not otherwise particularly directed, where the same shall be at the prosecution of an informer, be paid, after deducting the necessary costs of recovering the same, in whatever mode the same shall be, one moiety to the receiver of the said publick offices, and the other moiety to the informer or person who shall sue for the same; and that all fees, and also all fines, penalties, and forfeitures payable under this Act, other than such as last before mentioned, shall be paid to the said receiver; and all sums so paid to the said receiver shall go to and constitute part of the fund applicable to the support and establishment of the police of the said police district of Dublin metropolis.

Recovery and application of penalties.

Informer to be competent witness.

CXIX. AND be it enacted, that in all cases of complaints or informations under this Act for any offence for which any fine or pecuniary penalty is to be imposed, the informer or prosecutor shall be admitted a competent witness to prove the offence; and his testimony, if believed, shall be sufficient for that purpose without any other evidence.

No conviction, &c. to be removed by certiorari, &c.

CXX. AND be it further enacted, that no conviction to be had before any divisional justice or justices to be appointed under this Act, or any affirmation or reversal thereof upon appeal, shall be removed by certiorari or otherwise into any of his Majesty's superior courts.

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Persons distraining, &c. not to be deemed tres-

CXXII. AND be it further enacted, that where any distress shall be made, or any person or persons apprehended by virtue of this Act, the taking of such person or persons or of such distress shall not be deemed unlawful, nor

[a] So much as directs or requires that in the cases mentioned in this section there shall be two divisional justices, rep., 5 Geo. 4. c. 102. s. 6.]

passers ab initio in case of irregularity.

the party or parties taking the same be deemed a trespasser or trespassers ab initio, on account of any irregularity which shall be afterwards committed by the party taking such person or persons or distress; but the person or persons aggrieved by such irregularity may recover satisfaction for the special damage only by action on the case.

Reputation to be sufficient evidence of officers authority.

CXXIII. AND be it further enacted, that if it shall become necessary to prove the power, office, authority, or appointment of any of the divisional justices or constables, or of the receiver, or of any other officer or person appointed or acting under or by virtue of this Act as aforesaid, it shall in all cases be sufficient, to all intents and purposes, to prove that such person or persons at the time in question was or were commonly known or reputed to hold such office or situation respectively; and it shall not in any such case be necessary to produce or prove any appointment or qualification whatsoever of such person or persons.

Penalty on persons taking or suborning others to take false oaths.

CXXIV. AND be it enacted, that if any person or persons who shall take any oath in pursuance of this Act shall wilfully swear falsely therein, and shall be thereof lawfully convicted by verdict or confession, any such person so offending shall for any such offence incur and suffer such penalties, pains, and disabilities as persons convicted of wilful and corrupt perjury are or shall be liable to by any law then in force in Ireland; and if any person or persons shall procure or suborn any other person to take such false oath, and shall be thereof convicted by verdict or confession (whether the person having taken such false oath shall be previously convicted or not), any such person so procuring or suborning shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities as persons convicted of subornation of perjury are or shall be liable to by any law then in force in Ireland.

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Public Act.

CXXVII. AND be it enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others without being specially pleaded.

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CHAPTER CXLI.

AN ACT to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same.

[2d July 1808.]

WHEREAS it is expedient that certain of the powers and provisions for assessing and collecting the duties under the management of the commissioners for the affairs of taxes in Great Britain should be varied and amended in the particulars herein-after mentioned: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the period appointed for the commencement of the rules contained in this clause all appointments of assessors shall be made, and also all notices required to be affixed on any place, or to be delivered to or served on any person or persons for the purpose of returning or

Assessors to be appointed, and duties to be assessed, &c. according to the following rules.

estimating the said duties respectively, shall be affixed, delivered, or served, and all assessments of the said duties or any of them shall be returned, estimated, ascertained, and made, and the said duties shall be collected, levied, paid over, and accounted for, under and subject to the following rules and directions, which shall be deemed a part of this Act, as if the said rules and directions had severally and respectively been inserted herein under a special enactment.

No. I.

RULES and DIRECTIONS for appointing Assessors of the Duties under the Management of the Commissioners for the Affairs of Taxes after the Expiration of the Year One thousand eight hundred and eight.

Assessors to be appointed before the 6th of April yearly.

First.—It shall be lawful for the respective commissioners acting in the execution of the several Acts relating to the said duties respectively, and they are hereby respectively required, to appoint assessors for each parish, ward, and place within their respective divisions before the commencement of each year for which such appointment shall be made, and to do and complete all acts necessary to such appointment, so that the assessors to be appointed may enter on their office on the sixth day of April in each year, pursuing in all other respects the directions contained in the said Acts respectively in relation to such appointments; which appointments shall be and continue for and during the year to commence on that day, and until other assessors shall be appointed for the same parishes, wards, and places, and for the same duties respectively.

In default of such appointment, the last appointed assessors shall act;

Second.—In and for every parish, ward, or place wherein assessors shall not be appointed before the sixth day of April in each year to serve for the year ensuing as aforesaid, the last appointment of assessors for the same parish, ward, or place (whether such appointment shall have been or shall be made under any of the Acts in force at the time of passing this Act, or under this Act,) shall continue in force until other assessors shall be appointed for the same parish, ward, or place, and for the same duties respectively according to the directions of the said Acts.

and if they cannot, then the last appointed collectors.

Third.—In case the assessor or assessors appointed for any former year shall be dead, or be removed from or be otherwise unfit or incapable to act for the parish, ward, or place for which he or they shall have been appointed, and in default of such appointment of assessors as aforesaid for the year ensuing for the same parish, ward, or place, and for the same duties respectively, then and in every such case the last appointment of a collector or collectors of the same duties for such parish, ward, or place (whether such appointment shall have been or shall be made under any of the Acts in force at the time of passing this Act, or under this Act,) shall continue in force until assessors shall be appointed for the same parish, ward, or place, and for the same duties respectively, according to the directions of the said Acts; and every such collector shall in every such case during such continuance in his office of collector do, perform, and execute all such matters and things as are directed by the said Acts or this Act to be done, performed, or executed by assessors; and all parts of the said Acts or this Act relating to and applied to assessors shall in every such case be construed as applicable to and be in like manner and to the like intent applied to such collectors; and the powers contained in the said Acts or this Act shall be as fully and amply exercised and practised by such collec-

tors as if the same powers had been expressly given to the said collectors by the said Acts or this Act.

Such assessors and collectors liable to penalties for refusing to act.

Fourth.—All penalties imposed by any of the Acts in force at the time of passing this Act on assessors for refusing or neglecting to take upon themselves the office of assessor, or to perform their duty therein as prescribed by the said Acts respectively, shall be in the like cases imposed on assessors appointed according to this Act for neglecting to take upon themselves the office of assessor, or to perform their duty as prescribed by this Act; and every such collector as aforesaid on whom the duty of assessor shall have devolved in pursuance of this Act shall be subject and liable to the like penalties for the like neglect of duty.

In certain cases surveyor to act as assessor.

Fifth.—In every parish, ward, or place where assessors shall not be appointed in pursuance of this Act, or being appointed shall not have taken upon themselves the office on or before the commencement of the ensuing year, or where the assessors or collectors for any former year on whom the duty of asesssor shall have devolved shall not have taken upon themselves the office of assessor on or before the commencement of such ensuing year, it shall be lawful for the surveyor of the district and he is hereby required to execute the duty of assessor for such parish, ward, or place until assessors shall be appointed who shall duly take upon themselves the said office.

Commissioners to give notice to former assessors or collectors of continuance in office, &c.

Sixth.—In every notice of continuance in office of any assessor or collector, the respective commissioners who shall cause such notice to be given shall require the attendance of such assessor or collector on a day and at a place within the division to be named in such appointment or notice, then and there to receive and take charge of all such notices and papers as shall be delivered to them respectively for the due execution of the said Acts in manner herein-after mentioned, which day shall not be later than seven days after the fifth day of April in each year; and in default of such notice being given by such commissioners it shall be lawful for the inspector or surveyor of the district to give such notice and to require the attendance of such assessors or collectors on a day and at a place within the division to be named by the said inspector or surveyor for that purpose.

No. II.

RULES and DIRECTIONS for Service of Notices to Persons liable to be charged to the said Duties or any of them.

Surveyors or inspectors shall deliver notice papers to assessors to be served by them.

First.—All notices relating to the said duties or any of them requiring to be affixed on any place, or to be delivered to or otherwise served on any person or persons for the purpose of returning or estimating the said duties respectively, shall be delivered by the respective surveyors of the districts in which such notices are required (or by the inspectors for the same districts, or by any other inspectors or surveyors of the same duties, duly authorized to take charge of such districts respectively, by or under the commissioners for the affairs of taxes, or any three or more of them,) to the respective assessors appointed or acting in pursuance of this Act, or to the respective collectors on whom the duty of assessor shall have devolved as aforesaid, for the purpose of serving the same on the respective persons liable to the said duties in the manner required by the said Acts.

Second.—All such notices shall be delivered to such assessors or collectors as aforesaid on or as soon after the sixth day of April in each year as the same can be done; and the delivery of such notices by such inspectors or surveyors, or any of them, shall be as effectual as if the same had been delivered by the commissioners of the division according to the directions of the said Acts. Time of delivery.

Third.—The said assessors and collectors respectively are hereby required to observe such directions as may from time to time be given to them by the said inspectors and surveyors in all matters touching the time and manner of fixing or delivering or otherwise serving such notices and the persons on whom the same are to be served, such directions having been previously seen and allowed by the commissioners acting for the division in which the said inspector or surveyor shall act. Assessors and collectors to observe the directions of the inspectors and surveyors respecting notices.

No. III.

RULES and DIRECTIONS for making and returning the Certificates of Assessment or Certificates of Estimates by Assessors acting under the said Acts, and for making and collecting the First Assessments in each Year.

First.—The assessors of the said respective duties shall deliver their certificates to the respective commissioners on or before the day which such commissioners shall appoint for that purpose yearly, which day so to be appointed for the delivery of the certificates of assessment of the duties of assessed taxes shall not be later than the twentieth day of June in each year of assessment; and the day to be appointed for the delivery of the certificates of estimates of property or profits of professions, trades, and offices shall not be later than the twentieth day of July in the same year; on which days respectively the said assessor shall also deliver to the respective commissioners all the returns or statements relative to the said respective duties made to the said assessors before the respective days so appointed; and all the returns and statements made by the parties to be charged, which shall be delivered after that day, shall be delivered to the respective commissioners. Time of delivering certificates of assessment.

Second.—In all cases relating to the duties of assessed taxes where the assessor or assessors shall not have received any return from any person or persons liable to be charged to the said duties, it shall be lawful for such assessor or assessors and he and they is and are hereby required to make a true assessment on such person or persons to the best of his or their information and judgment of the real charge which ought to be imposed; and in all cases relating to the duty on property, professions, trades, and offices, where the respective assessors shall not have received any statement from any party or parties liable to be charged to the said duties, it shall be lawful for the said assessor or assessors to estimate the property of such parties respectively, and the profits arising from any professions or trades exercised or any offices held by such parties respectively, according to the best of his or their information and judgment; and in case the said assessor or assessors shall not so estimate the property or profits of any such party or parties who shall not have made a return for that year, then such assessor or assessors shall return to the said commissioners the name and place of residence of every such party; and where the respective commissioners shall also not have received any statement it shall be lawful for the said respective commissioners to make an assessment on such party or parties either in the same sums respectively and to the same Mode of making assessments in default of return, &c.

amount as the said parties respectively were charged in the last assessment of the said duties for the said division or according to the best of their judgment, subject to alteration by appeal or surcharge in the manner directed by the Acts relating to the said duties.

First assessments to be made without including matters of surcharge.

Third.—The first assessments to be made of the said duties or any of them for any year shall be made according to the estimates or returns and assessments mentioned in the preceding rule, without including therein any matters of surcharge by the inspectors or surveyors; which first assessments respectively shall be separately and distinctly collected, and shall be contained in the first duplicates to be delivered to the collectors and surveyors for that year, and shall be collected and levied in moieties on the days herein-after

Times of collection.

mentioned; that is to say, one moiety of the duties of assessed taxes, if not sooner paid or satisfied according to the directions of the said Acts respectively, shall be collected or levied before the tenth day of October in each year of assessment, or within twenty-one days thereafter, and the other moiety thereof before the fifth day of April following, or within twenty-one days thereafter; and one moiety of the duties on property, professions, trades, and offices, if not sooner paid or satisfied as aforesaid, shall be collected, levied, or paid before the fifth day of January in each year of assessment, or within twenty-one days thereafter, and the other moiety thereof before the fifth day of July following, or within twenty-one days thereafter: Provided always, that nothing herein contained shall be construed to alter the times or proportions at which the said duties are payable according to the directions of the said Acts respectively, or in any way to impeach or affect the powers or provisions of the said Acts for the recovery of the said duties at such times and in such proportions as are therein prescribed; and the said respective duties shall be deemed payable quarterly at the times mentioned in the said Acts, by four instalments, and it shall be lawful to demand, receive, or levy the same according to the said Acts, anything herein contained to the contrary notwithstanding.

Time of delivery of duplicates of first assessments.

Fourth.—In order that due time may be given for hearing appeals against such first assessments, the respective commissioners are hereby required and strictly enjoined to deliver, in all cases relating to the duties of assessed taxes, their first duplicates thereof to the respective collectors on or before the twentieth day of July in each year, with directions to cause public notice thereof to be given in the parish, ward, or place to which such duplicates relate, to which duplicates in the hands of such collectors all persons interested shall have access, and may examine the same at any reasonable time in the

Notice of assessments.

daytime; and in all cases relating to the duties on property, professions, trades, and offices the respective commissioners shall, as and when they shall make an assessment on any person or persons, cause a notice thereof to be given in the manner directed by the Acts relating to the said last-mentioned duties, to the party or parties charged in and by such assessment, within the space of three days after making such assessment, and so from time to time until all such assessments shall be made, in which certificates shall be inserted the times limited for hearing the appeals therefrom.

Entry and notice of appeals.

Fifth.—All appeals against such first assessments shall be entered, and due notice thereof given within the respective times herein-after limited; that is to say, in all cases relating to the duties on assessed taxes within twenty-

eight days after the delivery of the duplicates of the first assessments to the respective collectors of the parishes, wards, or places for which such assessments shall be made; and in all cases relating to the duties on property, professions, trades, and offices within fifteen days after the date of the notice of such first assessment to the party or parties charged therewith.

Time of hearing appeals.

Sixth.—All appeals against such first assessments of the duties of assessed taxes in any year shall be heard and determined between the twentieth day of August and the tenth day of September following, and on such day or days within the time herein limited as the commissioners of the divisions shall appoint, whereof they are hereby required to give notice in the manner in which such notices have usually been given in the several parishes, wards, and places in their division; and all appeals against such first assessments of the duties on property, professions, trades, and offices in any year shall be heard and determined as soon after notice thereof shall be given to the respective commissioners as conveniently can be done; and for that purpose the said respective commissioners, or two of them at the least, shall meet together within eight days after any such notice of appeal shall have been received by them, and so from day to day, or from time to time at reasonable intervals, with or without adjournment, until all appeals against such first assessment shall be heard and determined, of which day or days of appeal the said respective commissioners shall cause notice to be given to the respective appellants: Provided always, that in every case where the party assessed shall be prevented from appealing within the time herein limited, or from attending in person at the time limited for hearing the appeal of such party, by absence or sickness or other sufficient cause, to be proved before the respective commissioners on the oath or solemn affirmation of the party, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as shall be necessary, so that no delay shall be thereby occasioned in the payment or collection of the sums contained in the said first assessment.

Time of delivering duplicates.

Seventh.—The said respective commissioners shall cause to be delivered to the respective collectors their duplicates of the first assessment, including in such duplicates as well all such matters as have been appealed against and determined by the said commissioners as all such matters as have been assessed and not appealed against; and all such duplicates shall be delivered within the respective times herein-after limited; that is to say, the duplicates of the duties of assessed taxes on or before the twentieth day of September yearly, and the duplicates of the duties on property, professions, trades, and offices on or before the twentieth day of December yearly; to which duplicates respectively warrants shall be annexed for collecting the duties therein contained within the times respectively before prescribed.

Assessments not then made or determined shall be added to first assessments.

Eighth.—All such assessments which shall not have been made on or before the twentieth day of September in respect of the duties of assessed taxes, and the twentieth day of December in respect of the duties on professions, trades, and offices, or against which any appeal shall be depending on those days respectively, shall on the making or determining the same from time to time be added to such first assessments and to the respective duplicates thereof; and the duties therein or the moieties thereof which ought to have been previously collected or paid, shall be collected, levied, or paid on or before

such day or days as the respective commissioners shall order by their warrant annexed to the duplicates of such added assessments, such day not being later than twenty-one days after the making such assessment or determining the appeal thereon.

Assessments under a number, &c. shall be added to first assessments, and paid into the Bank or to the receiver general, &c.

Ninth.—Whenever any assessment of the duties on professions or trades shall be made within the time herein limited, under a number or letter, the same shall be included in or from time to time added to such first assessments, and the said duties shall be paid either into the Bank of England or to the receiver general or his deputy in the like proportions as aforesaid on or before the day or days herein appointed for collecting such duties by the respective collectors, and the said commissioners shall direct and order the same to be paid accordingly; and in default of such payment the said respective commissioners shall cause the said assessments to be added to the duplicates in the hands of the respective collectors to whom the collection of the duties assessed on persons by name shall have been intrusted to be collected, by the same ways and methods and under the like powers and provisions as such last-mentioned duties are directed to be collected.

No. IV.

RULES and DIRECTIONS for making and collecting the Supplementary Assessments in each Year.

Time of delivering certificates of surcharge.

First.—If any inspector or surveyor shall have surcharged any person or persons for any matter or thing for which a surcharge is allowed by the Acts relating to the said duties respectively, it shall be lawful for such inspector and surveyor to deliver his or their certificates of surcharge, explicitly stating the particulars in respect to which such surcharge has been made, to the respective commissioners in respect of the duties of assessed taxes at any time on or before the fifteenth day of December in each year of assessment for the whole of such year, and in respect of the duties on property, professions, trades, and offices at any time after the time herein prescribed for making the first assessments of the said duties for that year, and from time to time until the commissioners shall have completed all the assessments of their division for that year, and shall have delivered in the manner directed by the said Acts the duplicates thereof, and the same shall have been entered of record in his Majesty's Exchequer; which certificates of surcharge shall be signed and allowed by two of the respective commissioners under the restrictions and subject to appeal under the conditions prescribed by the said Acts respectively.

Time of making appeals from surcharges.

Second.—All appeals against such surcharges relating to the duties of assessed taxes shall be heard and determined by the commissioners of the division, or any two or more of them, between the twentieth day of January and the twentieth day of February following; and all appeals against such surcharges relating to the duties on property, professions, trades, and offices shall be heard and determined according to the directions of this Act before prescribed in respect of appeals against the first assessments of the same duties by the respective commissioners: Provided always, that in every case where the party surcharged shall have been prevented by absence or sickness or other sufficient cause, to be proved before the respective commissioners on the oath or solemn affirmation of the said party, from appealing within the time

herein limited, or from attending in person at the time limited for hearing such appeals, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as may be necessary.

Supplementary assessments to be made out, including surcharges, double duties, penalties, &c.

Third.—The said certificates of surcharge amended according to the determination of the respective commissioners shall be a sufficient authority to them, and they are hereby required, to cause supplementary assessments to be made out of the said duties respectively, including therein all matters so surcharged, as well such matters as have not been appealed against as the matters determined by the said commissioners; which matters shall be severally charged to the said duties respectively according to the said certificates of surcharge, amended in cases requiring amendment according to the determination of the said commissioners, and also including therein the double duties or moieties or parts thereof assessed over and above the rates of duty prescribed by the said Acts respectively, and also all fines and penalties imposed on any person or persons by the said respective commissioners within the year of assessment for offences committed against the said Acts or this Act; which double duties or moieties, or parts thereof, and penalties shall severally and respectively be added to such supplementary assessments, and be collected therewith.

Supplementary assessments to be paid, at latest, with the last instalment of the duties in the first assessments.

Fourth.—The duties and sums of money contained in the supplementary assessments of each year which shall be completed within the time herein limited shall, if not sooner paid or satisfied according to the directions of the said Acts respectively, be collected and levied at the respective times hereinbefore appointed for payment of the last instalment of the duties contained in the first assessments of the said duties respectively for that year; and each assessment thereof shall be collected, levied, or paid in one sum.

Assessments not completed within the time limited to be assessed from time to time and collected in one sum.

Fifth.—In all cases where the said duties or any of them shall not have been ascertained and assessed before the respective days appointed by this Act for payment for the last instalment thereof, the same respectively shall and may be assessed from time to time until a complete assessment be made, and shall be collected, levied, or paid in one sum within twenty-one days after notice of the amount contained in the assessment thereof.

Penalty for false or vexatious surcharges.

Sixth.—If any inspector or surveyor shall wilfully make any false and vexatious surcharge of any of the duties contained in any of the said Acts, or shall wilfully deliver or cause to be delivered to the respective commissioners for executing the said Acts or any of them any false and vexatious certificate of surcharge of any of the said duties, every such inspector or surveyor shall be liable to forfeit to the party aggrieved any sum not exceeding one hundred pounds, or treble the value of the sum claimed by such surcharge, over and above the rate of duty charged by the said Acts respectively, to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster for offences committed in England, and in the court of great sessions for offences committed in Wales, with full costs of suit; and it shall be lawful for the party aggrieved to sue either for the said penalty of one hundred pounds, or for the said treble value under this Act, at his or her election; and it shall also be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence in any such suit, either for the said penalty or treble value or

any part thereof, by endorsement on the postea, or for the court before whom such inspector or surveyor shall be convicted, by entry on the record, to certify his or their satisfaction with such conviction; and in every such case the said certificate shall be an authority to the commissioners for the affairs of taxes, and they are hereby required, to cause to be paid by the receiver general of the county, riding, or division wherein such conviction was had, out of any monies of the said duties respectively in his hands, such reasonable expenses as the plaintiff shall have incurred, over and above the costs of suit as aforesaid, the amount thereof being certified by the proper officer for taxing costs of the court in which such suit shall be commenced to have been necessarily expended, and allowed by such officer as between attorney and client; and every such inspector or surveyor shall after such conviction be discharged from his employment.

No. V.

RULES and DIRECTIONS for paying to the Receiver General and accounting for the Duties received by the Collectors.

Collectors to pay the duties on the appointed days, and to account twice each year.

First.—The several collectors shall pay to the receiver general or his deputy all monies of the said respective duties which the said collectors shall have received or levied by virtue of any of the Acts herein mentioned on the respective days herein appointed for payment of the said duties or any of them next after their receipt of the same, and shall twice in each year account with such receiver general or his deputy in the manner herein-after mentioned for all such duties; that is to say, for the duties of assessed taxes the said collectors shall pay or account for one entire moiety thereof on the day to be appointed next after the tenth day of October, and the remainder thereof on the day to be appointed next after the fifth day of April in each year; and for the duties on property, professions, trades, and offices, the said collectors shall pay or account for one entire moiety thereof on the day to be appointed next after the fifth day of January in each year, and the remainder thereof on the day to be appointed next after the fifth day of July following; on which last-mentioned days appointed for payment to the said receiver general or his deputy of the said respective duties, videlicet, on the day appointed next after the fifth day of April yearly for the payment of the last moiety of the duties of assessed taxes, and on the day appointed next after the fifth day of July yearly for payment of the last moiety of the duties on property, professions, trades, and offices, the full and entire amount of duties, penalties, and sums of money contained in the said supplementary assessments of the said respective duties shall also be paid to the receiver general or his deputy, or accounted for to him or them in the manner herein-after directed; for which payments the said receiver general or his deputy shall give to such collectors receipts in writing, distinguishing the amounts received for the duties on assessed taxes from the amount received for the duties on property, professions, trades, and offices, and from all other duties payable to his Majesty, and for which receipts no stamp duty shall be charged or chargeable, any statute to the contrary thereof notwithstanding: Provided that if any collector or collectors shall not at or before the respective times herein-before limited have received or levied the said respective duties, or shall not then account to the receiver general or his deputy for the same in the proportions before directed, he or they shall

Payment of duties, &c. contained in supplementary assessments

Receipts to be given for payments.

Collectors not accounting for the full amount shall deliver a schedule of arrears.

deliver to the said receiver general or his deputy, at the respective times appointed for such payments, or to the commissioners of the division, within three days after the respective times aforesaid, a schedule in writing, signed by such collector or collectors, containing the christian and surname of each defaulter, and the respective sums then in arrear from each such defaulter, with an affidavit subscribed, to be made on the oath or affirmation of the said collector or collectors (which oath or affirmation may be taken before any one commissioner of the division) that the several sums contained in the said schedule have been demanded from and are due and wholly unpaid from the respective persons charged therewith, either to such collector or collectors, or to any other person or persons for such collector or collectors, to the best of his or their knowledge and belief.

The certificate of such schedule to be ground of process.

Second.—Every such schedule being certified under the hand of the receiver general or his deputy of the county or division where the said arrears accrued to the Court of Exchequer at Westminster shall be received and taken as sufficient evidence of a debt due to his Majesty, and shall be a sufficient authority to the barons of the said court or any one of them to cause process to be issued against such defaulter named in the said schedules, to levy the whole sum in arrear and unpaid by such defaulter; and the sheriff or other officer to whom the said process shall be directed shall without delay cause the whole sum in arrear to be levied by due course of law as a debt to his Majesty on record, with all costs and expenses attending the same, and shall pay the monies so levied after deducting the said costs and expenses to the said receiver general or his deputy, and shall make return of the said process to the said court, according to the due course thereof: Provided that every such schedule shall remain with the commissioners of the division for the space of forty days before the certificate thereof shall be transmitted to such court, during which period of forty days every such collector shall give due notice of such schedule to the several defaulters named therein, in such manner as the said respective commissioners shall direct, on pain that every collector neglecting so to do shall forfeit the like penalty as is imposed on collectors by the said several Acts or any of them in other cases of neglect of duty; and it shall be lawful for every such defaulter within the like period to pay his or her arrears to the said collector or collectors, whose receipt shall be a sufficient authority to the said commissioners to discharge the arrears so paid from the said schedule; and it shall also be lawful for the said commissioners, if they shall see cause, to issue fresh warrants to collect the said arrears or any of them within the said period of forty days, and during that period to use all or any the means or methods prescribed by the several Acts relating to the said respective duties for the recovery of the said arrears, or direct the said arrears to be levied by the respective collectors under their former warrant, as shall be most expedient; and all warrants to be issued for that purpose may be directed either to the said collectors, or to the high constable, constables, or other peace officers within the limits of their division, or any one or more of them, or to any other person or persons whom the said commissioners shall think proper, with authority to levy by distress and sale, in the manner directed by the said Acts respectively, the sums in arrear, together with all costs and expenses attending the said process and the execution thereof; and the sums so levied after deducting the said costs and expenses shall be paid to

Schedule to remain with commissioners for a certain time, during which commissioners may issue fresh warrants for collecting the arrears, &c.

the receiver general or his deputy at such time and place as the said receiver general shall appoint, and shall be discharged from the said schedule; and all high constables, constables, and other peace officers within the said division shall act in obedience to the directions of the said commissioners, and shall execute all such orders and process as shall be to them or any of them directed for the recovery of the said arrears: Provided also, that when the commissioners of the division shall certify to the commissioners for the affairs of taxes any reasonable cause for nonpayment of or for not proceeding to levy any part of the said arrears included in the said schedule, and that they have good reason to believe the same will be paid within a reasonable time, to be stated in such certificate, it shall be lawful for the said commissioners of the division to retain the said schedule in their hands for such further time as shall be necessary, and as shall be mentioned in their aforesaid certificate.

In default of delivery of such schedule, receiver general shall certify the default to the Exchequer;

Third.—In default of such schedule being delivered within the space of three days as aforesaid either to the receiver general or his deputy or to the said commissioners, it shall be lawful for the receiver general to whom the payments of the said duties shall not have been made in the proportions herein prescribed and at the times above mentioned, and he is hereby required, to certify to the said Court of Exchequer the amount of the duties remaining unpaid to the best of his knowledge and belief, and the particular ward, parish, or place, and the division where such failure hath happened, together with the names of the collectors of the said parish, ward, or place; and such certificate under the hand of such receiver general or his deputy shall be a sufficient authority to the barons of the said court or any one of them to cause process by way of distringas to be issued out of such court against the said collector or collectors, upon which writ of distringas the sheriff or other officer to whom the said process shall be directed shall return such issues from time to time as such court or baron shall order, until a return of such schedule and arrears shall have been made to the said court, and immediate process shall thereupon issue for levying the said arrears out of and under the seal of such court, which levy shall not be remitted unless all the said duties in arrear shall be paid or satisfied before the return of such process.

which certificate shall be a sufficient ground of process.

Surveyor to attend and assist the receiver general, &c.

Fourth.—On each half-yearly day of payment as herein is directed the surveyor of the district shall on notice thereof from the receiver general or his deputy attend with such of the duplicates of assessment as shall have been delivered to him and as shall be required by the said receiver general or his deputy, and shall assist him or them in adjusting the accounts of payments and of arrears, and shall also assist the collectors in making out their schedules of arrears to the best of his judgment.

Payment over to receiver general of arrears which have been paid.

Fifth.—The duties contained in any schedule of arrears as aforesaid which shall be paid to such collector or collectors within the period of forty days before mentioned, or within such further period as shall have been stated in the certificate of the commissioners for the retention of such schedule as before mentioned, shall be paid over to such receiver general or his deputy at such time and place as the said receiver general shall appoint.

Collectors advancing duties empowered to levy the sum advanced.

Sixth.—Whenever any collector or collectors shall have advanced and paid to the receiver general or his deputy any sum of money for or on account of the duties assessed on any other person or persons, whether at his or their request or not, it shall be lawful for such collector or collectors in default of

repayment to him or them at any time within the space of six calendar months after such payment to levy the said duties by the like ways and methods as such collector or collectors might have levied the same before such payment thereof to such receiver general or his deputy, and as if such duties had not been paid or satisfied.

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Compensation to appellants when inspector or surveyor neglects to attend appeals against surcharges.

IV. AND be it further enacted, that when the commissioners of any division shall have fixed the day or days of appeal against the surcharges made by any inspector or surveyor under the said Acts or any of them, and shall have caused due notice thereof to be given according to the directions of the said Acts, and the said inspector or surveyor having like notice thereof shall wilfully neglect to attend the meeting or meetings of the said commissioners held in pursuance of such notices whereby the commissioners shall be prevented in proceeding to hear such appeals, it shall be lawful for the said commissioners to allow to each appellant attending such meeting a reasonable compensation for such attendance, to be settled by the said commissioners and paid to such appellants respectively by the receiver general of the said duties or his deputy on the production of the certificates of any two or more of the said commissioners testifying such allowance.

His Majesty, &c. may appoint ten persons to be inspectors general, and allow them salaries, &c.

V. AND be it further enacted, that it shall be lawful to and for his Majesty, his heirs and successors, or the lords commissioners of the Treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being, from time to time to constitute and appoint for England and Wales such person or persons, not exceeding ten in number at any one time, as his Majesty, his heirs and successors, or the said commissioners of the Treasury, or the high treasurer for the time being shall think proper, to be inspectors general for the special purposes of this Act herein-after specified and declared, and to allow to such inspectors general such reasonable salaries, charges, and expenses as may be necessary for their pains in executing this Act in the several particulars herein-after mentioned; and no person to be appointed inspector general under this Act shall be entitled to amend any assessment made under the said Acts, or to surcharge any person or persons in respect thereof, nor shall any such person have or receive or claim any advantage or emolument from any assessment or surcharge to be made under any of the said Acts, nor any other emolument than the salary and allowance authorized by his Majesty, the commissioners of the Treasury, or the high treasurer as aforesaid.

The POWERS to be vested in the Inspectors General.

Power to visit inspectors and surveyors, &c.

First.—It shall be lawful for such inspectors general to visit from time to time each inspector and surveyor acting in the execution of the several Acts relating as well to the duties of assessed taxes as the said duties on property, professions, trades, and offices, within the limits of the circuit for which such inspector general shall be appointed, and to examine all or any of the books and assessments and duplicates or certificates of assessment or surcharge in the hands or power of such inspector or surveyor, and also to inquire into the conduct of every such inspector and surveyor in the execution of their respective offices, and into their fitness and capacity to execute the same, and to report from time to time on the several matters aforesaid to the commissioners for

the affairs of taxes; and every such inspector and surveyor shall attend such inspector general at such time and at such place within the district of such inspector and surveyor as the said inspector general shall appoint and shall have given three days notice of to such inspector or surveyor.

Power to examine inspectors and surveyors on oath.

Second.—It shall be lawful for every such inspector general to administer to any such inspector or surveyor, whenever he shall see occasion to examine him or them in any matter touching the execution of the said Acts, an oath that he shall true answer make to all such questions as shall be demanded of him; and the substance of such answer or answers as such inspector or surveyor shall give shall in his presence be reduced into writing and read to him, with liberty to alter or amend the same in any particular; and he shall sign his assent to the same in his own name and in his usual manner of writing or signing the same.

Inspectors general may report to commissioners of division.

Third.—It shall be lawful for every such inspector general as aforesaid, whenever he shall see occasion, to report to the commissioners of the division on any matter or thing touching the execution of the said Acts or this Act in relation to any assessment or assessments in such division, or touching the conduct of any clerk to such commissioners, or of any assessor or collector appointed under the said Acts or this Act, together with the opinion of such inspector general thereon; and every such inspector general shall transmit a duplicate of such last-mentioned reports to the commissioners for the affairs of taxes; and whenever any inspector general shall have reported to the commissioners of any division any such matter or thing which in the opinion of such inspector general shall require the particular consideration of the commissioners of such division, it shall be lawful for them to hold a meeting for that purpose, and they are hereby required to hold such meeting, within a reasonable time after such report; at which meeting such inspector general may attend for the purpose of explaining the matter or matters contained in the said report, and of suggesting for their consideration the propriety of adopting such order or orders as may be agreed upon by the major part of the commissioners of such division who shall be present at such meeting.

In certain instances, a case to be transmitted to commissioners for taxes, and by them to the judges at Westminster for their opinion.

Fourth.—If any inspector general as aforesaid, or any commissioner for the division who shall have been present at any meeting of commissioners at which the report of such inspector general shall have been taken into consideration as aforesaid, shall apprehend the determination made by the commissioners at such meeting on the said report, or any of the matters therein contained, to be contrary to the true intent and meaning of the said Acts relating to the said duties respectively, or any of the said Acts, it shall be lawful to and for such inspector general, and to and for any one or more of the commissioners for the division present at the time of such determination respectively, to require a case to be prepared and signed by the said commissioners for the division, in which case the said commissioners shall state specially the part or parts of the report of the said inspector general and the facts on which the question arose, together with their determination thereupon, and any other circumstances influencing the said commissioners in such their determination, and which case the said commissioners or the major part of them then present are hereby required to state and sign accordingly, and to cause the same to be transmitted to the commissioners for the affairs of taxes, who shall forthwith submit the same to the judges of the courts of record at West-

minster; and such judges or any two or more of them are hereby required with all convenient speed to return an answer to such case so transmitted, with their opinion thereon subscribed thereto, and what ought under all circumstances to be done therein; according to which opinion and directions so certified the determination of the commissioners which shall have been so objected to, and which shall be stated in such case, shall be confirmed, reversed, altered, or amended, as the case may require; and if any assessments shall be depending on such determination of the said commissioners, the same shall also be altered or confirmed according to the said opinion.

VI. PROVIDED always, and be it further enacted, that none of the provisions of this Act herein-before contained shall be construed to extend to that part of Great Britain called Scotland.

The above provisions not to extend to Scotland.

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XII. PROVIDED always, and be it further enacted, that the several parishes and places, or parts of parishes or places set down in the first column of the following schedule, and which have been heretofore charged to the said respective duties or either of them in the respective divisions mentioned in the second column of the said schedule and set opposite thereto respectively, shall from and after the passing of this Act be charged to the said respective duties in the divisions, and shall be subject to the jurisdiction of the commissioners and persons acting under them, and to the inspectors and surveyors of the division, mentioned in the third column of the said schedule and set opposite thereto respectively.

Certain places where to be assessed.

SCHEDULE referred to by the above Clause.

Description of Parishes or Places.	Heretofore charged in.	Hereafter to be charged in.
Part of the parish of Wokington, situate in the counties of Berks and Wilts - - - -	Hundred of Amesbury, Wiltshire.	Hundred of Sonning, Berkshire.
Part of the parish and town of Morpeth in the county of Northumberland - -	Castleward, Northumberland.	Morpeth Ward, Northumberland.
Part of the parish of Gillingham in the county of Kent, called the Grange, parcel of the liberty of Hastings in the county of Sussex - - - -	Town and port of Hastings, county of Sussex, and liberty thereof.	Rochester division, part of the lathe of Ford, county of Kent.
Bushton, part of the parish of Cleeve Pyhard, in the county of Wilts - - - -	Hundred of Elstub and Everley, Wiltshire.	Hundred of Kingsbridge, Wiltshire.
Little Hinton in the county of Wilts - - - - -	The same.	The same.
Wroughton in the county of Wilts - - - - -	The same.	The same.

Exceptions.

XIII. PROVIDED always, and be it further enacted, that nothing in this Act shall be construed to extend to any of the cases herein-after specified; (that is to say,)

First.—To the duties granted by an Act passed in the thirty-eighth year of the reign of his present Majesty, by way of a land tax.

Second.—To the duties granted or to be granted by any Act or Acts of Parliament for one year, for the service of such year.

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CHAPTER CXLII.

AN ACT for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities. [2d July 1808.]

Recital of 26 Geo. 3. c. 31. 32 Geo. 3. c. 55. 42 Geo. 3. c. 71.

WHEREAS by several Acts passed in the reign of his present Majesty, videlicet, an Act passed in the twenty-sixth year of his Majesty, intituled "An Act for "vesting certain sums in commissioners at the end of every quarter of a year, to be by "them applied to the reduction of the national debt," an Act passed in the thirty-second year of his Majesty, intituled "An Act to render more effectual an Act made "in the twenty-sixth year of his present Majesty's reign, intituled 'An Act for "'vesting certain sums in commissioners at the end of every quarter of a year, to be "'by them applied to the reduction of the national debt,' and to direct the application "of an additional sum to the reduction of the said debt in case of future loans," and an Act passed in the forty-second year of his Majesty, intituled "An Act to amend "and render more effectual two Acts passed in the twenty-sixth and thirty-second "years of the reign of his present Majesty, for the reduction of the national debt," certain provisions were made for the establishment and regulation of the funds therein created or directed to be created for the redemption of the national debt, commonly called The Sinking Fund: And whereas it would tend to a more speedy and efficient reduction of the national debt if the commissioners for the reduction of the said debt were enabled under certain limitations and restrictions to grant life annuities charged upon and payable out of the funds created as aforesaid for the redemption of the national debt, in consideration of the transfer to them of three pounds per centum consolidated or reduced bank annuities; and it is therefore expedient that the provisions of the said recited Acts relating to the redemption of the national debt should be varied and amended in so far as may be necessary for carrying the said measure into effect, and as herein-after expressed: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that notwithstanding anything in the said recited Acts or any of them contained to the contrary thereof, it shall be lawful for the commissioners for the reduction of the national debt at any time from and after the first day of August one thousand eight hundred and eight to accept and receive from any person or persons whomsoever the transfer of any three pounds per centum consolidated or reduced bank annuities, as the consideration for the purchase of life annuities, to be charged upon and payable out of the funds created as aforesaid for the redemption of the national debt, commonly called The Sinking Fund, either on the continuance of single lives or on the continuance of two lives, and the life of the longer liver of them, in the manner and under the limitations, restrictions, and regulations herein-after expressed: Provided always, that if it shall appear to the said commissioners that such transfers cannot conveniently be received until after some day subsequent to the said first day of August, it shall be lawful for them to appoint some other day after the said first day of August and prior to the tenth day of October one thousand eight hundred and eight, giving notice in the London Gazette of the day so appointed by them, after which such transfers may be received. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Commissioners for reduction of national debt empowered to accept transfers of consols, &c. for the purchase of life annuities.

Nomination of lives.

II. AND be it further enacted, that all and every persons or person who shall be desirous of purchasing under the provisions of this Act a life annuity on the continuance of a single life shall be at liberty to name any person to be the nominee, on the continuance of whose life the said annuity is to depend; and all and every persons or person who shall be desirous of purchasing a life annuity on the continuance of the

lives of two persons, and of the life of the longer liver of them, shall be at liberty to name any two persons to be the nominees, on the continuance of whose lives, and of the life of the longer liver of them, the said annuity is to depend: Provided always, that nothing herein contained shall be construed to prevent persons purchasing life annuities under this Act from naming themselves respectively to be the persons on the continuance of whose lives such life annuities respectively are to depend. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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Life annuities to be free from taxes, except such as dividends of consols and reduced annuities are liable to, and be deemed personal estate.

XXI. AND be it further enacted, that all life annuities purchased under the provisions of this Act shall be free from all taxes, charges, and impositions whatsoever, except such as dividends of consolidated or reduced bank annuities are or may be subject and liable to, and shall be deemed personal estate, and, in all cases where the same shall not depend upon the life of the person entitled thereto, shall go to his or her executors or administrators as personal estate, and shall not be descendible to heirs.

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Penalties on receiving annuities after the deaths of nominees.

XXIII. AND be it further enacted, that all and every person or persons, who for his, her, or their own use or the use of any other person or persons shall receive one or more payment or payments upon any annuity for any time beyond the death of any single or surviving nominee on the continuance of whose life the same was payable after the time on which the said annuity ought wholly to cease by virtue of this Act (knowing such nominee to be dead), shall forfeit to his Majesty, his heirs and successors, treble the value of the money received after the death of such nominee, and also the further sum of five hundred pounds; which penalties respectively shall be sued for, recovered, and applied in the manner directed by this Act.

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Recovery and application of penalties.

XXVIII. AND be it further enacted, that all pecuniary penalties and forfeitures imposed by this Act shall be recoverable, if incurred in England, in the name of his Majesty's attorney general on the part of his Majesty, by information in the Court of Exchequer at Westminster, or (if incurred in Ireland) in the name of his Majesty's attorney general in the Court of Exchequer at Dublin, or (if incurred in Scotland) in the name of his Majesty's advocate general in the Court of Exchequer in Scotland; and such penalty and forfeiture shall go and belong to the said commissioners for the reduction of the national debt and become part of the sinking fund: Provided always, that it shall be lawful for the said commissioners to cause such reward as they shall think fit, not exceeding one moiety of any such penalty or forfeiture so recovered, after deducting all charges and expences incurred in recovering the same, to be paid thereout to any person or persons who shall appear to them to be entitled thereto as informer or informers in respect of such penalty or forfeiture so recovered, anything herein contained to the contrary notwithstanding.

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The chief baron of the

XXXII. AND whereas by the said recited Act of the twenty-sixth year of his present Majesty's reign the speaker of the House of Commons, the chancellor of his Majesty's Exchequer, the master of the Rolls, the accountant general of the Court of Chancery, and the governor and deputy governor of the Bank of England for the time being respectively were appointed commissioners for carrying the said Act into execution: Be it enacted, that in

Exchequer, &c. added to the number of commissioners for the reduction of the national debt.

addition to the commissioners appointed by the said Act, the chief baron, or in his absence, any one of the barons of his Majesty's Court of Exchequer in England for the time being respectively, shall be a commissioner for carrying into execution the purposes of the said recited Acts of the twenty-sixth, thirty-second, and forty-second years of his present Majesty's reign and of this Act, and shall have and be invested with such and the same powers and authorities in all respects as if the chief baron or baron of the said Court of Exchequer respectively had been appointed a commissioner by the said Act of the twenty-sixth year aforesaid.

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CHAPTER CXLV.

AN ACT for enabling His Majesty to grant Annuities to the Judges of the Courts of Session, Justiciary, and Exchequer in Scotland upon the Resignation of their Offices.[a] [2d July 1808.]

39 Geo. 3. c. 110.

WHEREAS by an Act passed in the thirty-ninth year of the reign of his present Majesty, intituled "An Act for the augmentation of the salaries "of the judges in the courts in Westminster Hall, and also of the lords of "session, lords commissioners of justiciary, and barons of Exchequer in Scot- "land, and for enabling his Majesty to grant annuities to persons in certain "offices in the said courts of Westminster Hall on the resignation of their re- "spective offices," it is enacted that it shall and may be lawful for his Majesty, his heirs and successors, to give and grant unto any person who may have executed the office of chief justice of the Court of King's Bench or shall have executed the office of the master of the Rolls, chief justice of the Common Pleas, or chief baron of the Exchequer, or of puisne judge of the Court of King's Bench or Common Pleas, or of baron of the coif of the Court of Exchequer respectively certain annuities therein mentioned, upon the resignation of their several offices: And whereas by the said in part recited Act passed in the thirty-ninth year of the reign of his present Majesty it is further enacted that the successor of every such person so dying or resigning should be entitled to have and receive from all persons whatsoever such salaries and profits as should arise and become due from the death or resignation of his predecessor, in like manner as if his patent had borne date the day next subsequent to the day of the death or resignation of his predecessor: And whereas it is reasonable and expedient that annuities should in like manner be granted to the judges of the Courts of Session and Justiciary, and to the barons of the Court of Exchequer in Scotland, upon the resignation of their respective offices; and also that the successor of every such judge should in like manner be entitled to have and receive such salaries and profits as may arise and become due from the death or resignation of his predecessor: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, his

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[a] Rep., so far as relates to the chief baron and barons of the Court of Exchequer in Scotland, Stat. Law Rev. Act, 1872 (No. 2).

heirs and successors, by his Majesty's sign manual to give and grant unto any person who shall have executed the office of lord president of the said Court of Session, or of the lord justice clerk, or of the chief baron of the Court of Exchequer in Scotland, or of any judge or lord of Session, or of any lord commissioner of Justiciary, or of a baron of the said Court of Exchequer, as well before as after the passing of this Act, and who shall have respectively resigned any such office, an annuity or yearly sum of money not exceeding three-fourth parts of the salary appertaining to each such office at the period of the resignation thereof; and every such annuity or yearly sum of money shall commence from and after the period when the person to whom any such annuity or yearly sum of money shall be granted as aforesaid shall have resigned his office, and to continue from thenceforth for and during the natural life of the person to whom the same shall be granted as aforesaid; and every such annuity or yearly sum of money shall be paid out of the monies that shall arise from any of the duties and revenues in Scotland, which by Acts made in the seventh and tenth years of the reign of her Majesty Queen Anne were charged or made chargeable with the fees, salaries, and other charges allowed or to be allowed by her Majesty, her heirs and successors, for keeping up the courts of Session, Justiciary, and Exchequer in Scotland; and every such annuity or yearly sum of money shall be paid and payable, free of all taxes and deductions whatsoever (property tax excepted), at such and the same times and in such and the same manner as the salaries of the judges of the said courts of Session, Justiciary, and Exchequer are now paid and payable: Provided always, that no such annuity or yearly sum of money granted to any person having executed the office of lord president of the Court of Session, lord chief baron of the Court of Exchequer, lord justice clerk, judge or lord of Session, lord commissioner of the Court of Justiciary, or baron of the Court of Exchequer respectively shall be valid, unless such lord president, lord chief baron, lord justice clerk, judge or lord of Session, lord commissioner of the Court of Justiciary, or baron of Exchequer respectively shall have continued in one or more of the said offices for the period of fifteen years, or shall be afflicted with some permanent infirmity disabling him from the due execution of his office, which shall be distinctly recited in the said grant.

His Majesty may grant annuities to the judges of the Court of Session, &c. on their resignation.

Conditions on which annuities shall be granted.

II. AND be it further enacted, that the successor of every person who shall have executed the office of lord president of the said Court of Session, or of the chief baron of the Court of Exchequer in Scotland, or of the said lord justice clerk, or of a judge or lord of Session, or of a lord commissioner of the said Court of Justiciary, or of a baron of the said Court of Exchequer, shall be entitled to have and receive, and there shall be issued and paid to such successor out of the monies arising from any of the duties and revenues charged or made chargeable with keeping up the courts of Session, Justiciary, and Exchequer in Scotland as aforesaid, such salary as shall have arisen and shall have become due from the death or resignation of his predecessor, in like manner as if his letter patent or commission had borne date the day next subsequent to the day of the death or resignation of his predecessor.

Successors of judges, &c. to receive their salaries from the death or resignation of their predecessors.

CHAPTER CXLIX.

AN ACT for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Legacies and Successions to Personal Estate upon Intestacies now payable in Great Britain, and for granting new Duties in lieu thereof. [2d July 1808.]

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New duties granted, as specified in the schedule to the Act, from 10th Oct. 1808.

II. AND be it further enacted, that from and after the tenth day of October one thousand eight hundred and eight there shall be raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, in and throughout the whole of Great Britain, for and in respect of the several instruments, matters, and things mentioned and described in the schedule hereunto annexed (except those standing under the head of exemptions), or for and in respect of the vellum, parchment, or paper upon which such instruments, matters, or things shall be written or printed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule [Rep., 33 & 34 Vict. c. 99.]; . . . . . .

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Probates of wills and letters of administration valid as to trust property, though the value thereof be not covered by the stamp duty.

XXXV. AND be it further enacted, that from and after the passing of this Act the probate of the will of any person deceased, or the letters of administration of the effects of any person deceased, heretofore granted, or to be hereafter granted, either before or upon or after the tenth day of October one thousand eight hundred and eight, shall be deemed and taken to be valid and available by the executors or administrators of the deceased for recovering, transferring, or assigning any debt or debts, or other personal estate or effects, whereof or whereto the deceased was possessed or entitled, either wholly or partially, as a trustee, notwithstanding the amount or value of such debt or debts, or other personal estate or effects, or the amount or value of so much thereof or such interest therein as was trust property in the deceased (as the case may be) shall not be included in the amount or value of the estate, in respect of which the stamp duty was paid on such probate or letters of administration.

Where executors, &c. allege that any property was vested in the deceased as a trustee, a special affidavit may be required of the fact.

XXXVI. AND be it further enacted, that where the executors or administrators of any person deceased shall be desirous of transferring or of receiving the dividends of any share standing in the name of the deceased of and in any of the Government or parliamentary stocks or funds transferrable at the Bank of England, or of and in the stock and funds of the governor and company of the Bank of England, or of and in the stock and funds of any other company, corporation, or society whatsoever, passing by transfer in the books of such company, corporation, or society, under and by virtue of any such probate or letters of administration as aforesaid, and shall alledge that the deceased was possessed thereof or entitled thereto, either wholly or partially, as a trustee, it shall be lawful for the said governor and company of the Bank of England, and for any such other company, corporation, or society as aforesaid, or their respective officers for their indemnity and protection to require such affidavit or affirmation of the fact, as herein-after is mentioned, if the fact shall not otherwise satisfactorily appear; and thereupon to permit such executors or administrators to transfer the stock or fund in question, or receive the dividends thereof without regard to the amount of the stamp duty on the

probate of the will of the deceased, or the letters of administration of his or her effects: And where the executors or administrators of any person deceased shall have occasion to recover any debt or debts or other personal effects due or apparently belonging to the deceased, and shall alledge that the deceased was possessed thereof or entitled thereto, either wholly or partially, as a trustee, it shall be lawful for the person or persons liable to pay or deliver such debt or debts or other effects to require such affidavit or affirmation of the fact as herein-after is mentioned, if the fact shall not otherwise satisfactorily appear; and thereupon to pay, deliver, or make over the debt or debts or other effects in question to such executors or administrators, or as they shall direct, without regard to the amount of the stamp duty on the probate of the will of the deceased, or the letters of administration of his or her effects: And where the executors or administrators of any person deceased shall have occasion to assign or transfer any debt or debts due to the deceased, or any chattels real or other personal effects, whereof or whereto the deceased was possessed or entitled, and shall alledge that the same respectively was or were due to or vested in the deceased, either wholly or partially, as a trustee, it shall be lawful for the person or persons, to whom or for whose use such debt or debts, chattels real, or other personal effects shall be proposed to be assigned or transferred, to require such affidavit or affirmation of the fact as herein-after is mentioned, if the fact shall not otherwise satisfactorily appear; and thereupon to accept the proposed assignment or transfer, without regard to the amount of the stamp duty on the probate of the will of the deceased or the letters of administration of his or her effects.

Particulars to be stated in the affidavit.

XXXVII. AND be it further enacted, that upon any such requisition as aforesaid, the executor or executors, administrator or administrators of the deceased, or some other person or persons to whom the facts shall be known, shall make a special affidavit or affirmation of the facts and circumstances of the case, stating the property in question, and that the deceased had not any beneficial interest whatever in the same, or no other beneficial interest therein than shall be particularly mentioned and set forth (as the case may be), but was possessed thereof or entitled thereto, either wholly or in part (as the case may be), in trust for some other person or persons, whose name or names, or other sufficient description shall be specified in such affidavit or affirmation, or for such purposes as shall be specified therein; and that the beneficial interest of the deceased, if any, in the property in question doth not exceed a certain value to be therein also specified, according to the best estimate that can be made thereof, if reversionary or contingent; and that the amount or value of the estate, for which the stamp duty was paid on the probate of the will of the deceased or on the letters of administration of his or her effects, is sufficient to include and cover such beneficial interest of the deceased, as well as the rest of the personal estate, whereof or whereto the deceased was beneficially possessed or entitled, and for which such probate or letters of administration shall have been granted, as far as the same have come to the knowledge of such executor or executors, administrator or administrators; and where the affidavit or affirmation of the facts and circumstances of the trusts shall be made by any other person than the executor or executors, administrator or administrators of the deceased, such executor or executors, administrator or administrators shall make affidavit or affirmation that the same are true to

the best of his, her, or their knowledge, and that the property in question is intended to be applied and disposed of accordingly; which affidavits or affirmations shall be sworn or made before a master in Chancery, ordinary or extraordinary (who is hereby authorized to take the same and administer the proper oath or affirmation for that purpose), and shall be delivered to the party or parties requiring the same, and shall be sufficient to indemnify and protect the party or parties acting upon the faith thereof; and if any person or persons making any such affidavit or affirmation as aforesaid shall knowingly and wilfully make a false oath or affirmation of or concerning any of the matters to be therein specified and set forth, every person so offending, and being thereof lawfully convicted, shall be subject and liable to such pains and penalties, as by any law now in force persons convicted of wilful and corrupt perjury are subject and liable to.

Penalty for false oath.

Executors and others intromitting with the effects in Scotland of any person dying after the 10th Oct. 1808, to exhibit an inventory thereof in the commissary court there, duly stamped, to be recorded there;

XXXVIII. AND be it further enacted, that all and every person or persons who as executor or executors, nearest in kin, creditor or creditors, or otherwise, shall intromit with or enter upon the possession or management of any personal or moveable estate or effects in Scotland of any person dying after the tenth day of October one thousand eight hundred and eight, shall, on or before disposing of or distributing any part of such estate or effects, or uplifting any debt due to the deceased, and at all events within six calendar months next after having assumed such possession or management in whole or in part, and before any such person or persons shall be confirmed executor or executors, testamentary or dative, exhibit upon oath or solemn affirmation in the proper commissary court in Scotland (which oath or affirmation any judge of or commissioner appointed by such court is hereby authorized to administer, and which oath or affirmation shall not be chargeable with any stamp duty,) a full and true inventory, duly stamped as required by this Act, of all the personal or moveable estate and effects of the deceased already recovered or known to be existing, distinguishing what shall be situated in Scotland, and what elsewhere, together with any testament or other writing relating to the disposal of such estate and effects, or any part thereof, which the person or persons exhibiting such inventory shall have in his, her, or their custody or power; which said inventory, together with such testament or other writing (if any such there be), shall be recorded in the books of the said court without any other expense to the party than the ordinary fees of registration; and if at any subsequent period a discovery shall be made of any other effects belonging to the deceased, an additional inventory or additional inventories of the same shall within two calendar months after the discovery thereof be in like manner exhibited upon oath or solemn affirmation by any person or persons intromitting with or assuming the management of such effects, which additional inventory or inventories shall also be recorded in the manner aforesaid; and in case any person or persons hereby required to exhibit any such inventory or inventories as aforesaid shall refuse or neglect so to do within the time prescribed for that purpose, or shall knowingly omit any part of the estate or effects of the deceased therein, he, she, or they shall for every such offence forfeit the sum of twenty pounds, to be recovered by ordinary action or summary complaint in the sheriff, stewart, or borough court, or before any justice of the peace of the shire, stewartry, or borough where the person or persons sued or complained of shall reside; which court of justice shall have

and an additional inventory, on discovering other effects.

Penalty for neglect or omission.

power, if there shall appear cause, to mitigate such penalty, so that the same be not reduced below one moiety thereof, besides costs of suit; and the person or persons so offending shall also be charged and chargeable with and be holden liable to the payment of double the amount of the stamp duty, which would have been payable upon such inventory or inventories so neglected to be exhibited, according to the amount or value of the estate and effects which ought to have been specified therein, or double the amount of the further or increased stamp duty which would have been payable upon any such inventory or inventories exhibited, in respect of the estate or effects so omitted therein as aforesaid, as the case may require; which double duty shall be deemed and taken to be a debt to his Majesty, his heirs and successors, of the person or persons liable to pay the same, and shall and may be sued for and recovered accordingly.

Such inventories to be transmitted to the solicitor of stamp duties at Edinburgh.

XXXIX. AND be it further enacted, that all and every the inventory and inventories so to be exhibited and recorded as aforesaid shall be retained by the clerk of the commissary court wherein the same shall be exhibited, and shall be transmitted by him from time to time, as often as required, together with the said oath or affirmation relating thereto, to the solicitor of stamp duties at Edinburgh, who shall file and preserve the same in the stamp office there; and if the clerk of any such court shall fail to record, retain, or transmit any such inventory, which shall be exhibited there to be recorded as aforesaid, or shall receive or record any such inventory, which shall not be duly stamped as the law requires, he shall for every such offence forfeit the sum of fifty pounds.

Penalty on clerk of commissary court for neglect of duty.

Additional inventories to specify the amount of the effects in former inventories, and the stamp duty to be according to the total of both; and the duty on the former to be repaid.

XL. AND be it further enacted, that where any such additional inventory shall be exhibited to be recorded as aforesaid, the same shall also specify the amount or value of the estate and effects of the same person comprized in any former inventory or inventories; and the stamp duty to be charged on such additional inventory shall be the ad valorem duty payable in respect of the total amount or value of the estate and effects specified therein and in any such former inventory or inventories; and upon any such additional inventory duly stamped being recorded and transmitted as aforesaid the solicitor of stamp duties shall, upon the application of the party who shall have exhibited the same, deliver out to such party the former inventory, with a certificate thereon signed by him bearing that an additional inventory of the effects of the deceased duly stamped had been transmitted to him and filed as aforesaid; and such certificate shall entitle the party exhibiting the additional inventory to demand and receive the amount of the stamp duty on such former inventory from the head distributor of stamps at Edinburgh, who shall pay the same out of any monies in his hands arising from the duties hereby charged on such inventories as aforesaid, on a proper receipt being given for the same, and upon the former inventory and certificate being delivered to him, to be produced with the receipt as a voucher for such payment.

The duty on any inventory to be charged only in respect of effects in Scotland.

XLI. PROVIDED always, and be it further enacted, that the duty charged in the schedule hereunto annexed upon any such inventory to be exhibited as aforesaid shall be deemed and taken to be charged and payable only in respect of the amount or value of such parts of the estate and effects therein mentioned as shall be situated in Scotland.

Confirmations of testaments not to be

XLII. AND be it further enacted, that it shall not be lawful for any commissary court in Scotland to grant confirmation of any testament, testa-

granted for effects not included in such inventory.

Executors not to recover effects unless so included.

mentary or dative, or eik thereto, of or for any estate or effects whatever of any person dying after the tenth day of October one thousand eight hundred and eight, unless the same shall be mentioned and included in some such inventory exhibited and recorded as aforesaid; and it shall not be competent to any executor or executors or other person or persons to recover any debt or other effects in Scotland of or belonging to any person dying after the said tenth day of October, unless the same shall have been previously included in some such inventory exhibited and recorded as aforesaid; except the same respectively were vested in the deceased as a trustee for any other person or persons, and not beneficially; but these provisions are not in other respects to prejudice the law of Scotland regarding total or partial confirmations, or the rules of succession there established.

Commissioners of stamps authorized to remit the penalties incurred by accidental nonpayment of the duty on legacies, if the duty in arrear shall be paid on or before 31st Jan. 1809;

XLIII. AND whereas many persons may through ignorance or inadvertence, or from accidental or unavoidable causes, have neglected to pay the duties heretofore payable in respect of legacies and of residues of personal estate given by wills or other testamentary instruments, or which have devolved to any person or persons upon intestacies, within the time prescribed by law for that purpose, and may have incurred heavy penalties by reason of such neglect: Be it further enacted, that if any person or persons who shall have incurred any penalty before the passing of this Act, by reason of the nonpayment of any such duty as aforesaid, shall offer to pay the same to the commissioners of stamps at their head office in England or Scotland, as the case may require, on or before the thirty-first day of January one thousand eight hundred and nine, and shall make it appear to the satisfaction of the said commissioners that such duty was not paid within the time prescribed by law through ignorance or inadvertence, or from any accidental or unavoidable cause, it shall be lawful for the said commissioners to remit the penalty, and to receive the duty which shall be due and payable by law according to the circumstances of the case, and to cause a proper receipt to be given for such duty, and also to cause the receipt or discharge, if any, which shall have been given for the legacy or residue or share of residue of any personal estate, in respect of which such duty shall be paid, to be duly stamped as the law requires for making the same available; and thereupon such receipt or discharge shall be as valid and available as if the same had been stamped and the duty paid within the time originally prescribed for that purpose; anything contained in any former Act or Acts to the contrary notwithstanding. [Rep., Stat. Law. Rev. Act, 1872 (No. 2).]

and in other cases the commissioners authorized to stamp receipts for legacies brought after three months from the date thereof, on payment of duty and penalty; and to remit penalty in certain cases, where the receipt was signed out of Great Britain.

XLIV. AND be it further enacted, that in all cases not provided for by the preceding clause, where any receipt or discharge given for any legacy or for the residue or any share of the residue of any personal estate which shall have been given by will or other testamentary instrument, or have devolved to any person or persons upon intestacy, shall be brought to the head office to be stamped after the expiration of three calendar months from the date thereof, it shall be lawful for the said commissioners to cause the same to be duly stamped for making the same available, on payment of the duty which shall be payable in respect thereof, together with the penalty incurred in consequence of the same not having been brought to be stamped before the expiration of such three calendar months; and where any such receipt or discharge shall have been signed out of Great Britain, if the same shall be brought to be stamped within twenty-one days after its being received in Great Britain, it shall be lawful for the said commissioners to remit any penalty that may have been incurred thereon, and to cause the same to be duly stamped on payment of the duty payable in respect thereof; anything contained in any former Act or Acts to the contrary notwithstanding.

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CHAPTER CLI.

AN ACT concerning the Administration of Justice in Scotland, and concerning Appeals to the House of Lords. [4th July 1808.]

WHEREAS the great extension of agriculture, commerce, manufactures, and population, and the consequent multiplication of transactions in Scotland have greatly increased the number of law suits brought into the Court of Session, whereby it has become expedient to make some new arrangements in that court to facilitate the dispatch of business: And whereas it is also expedient to make such regulations as are herein-after provided touching appeals: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that on and after the twelfth day of November one thousand eight hundred and eight the judges or lords of session shall usually sit in two divisions, ... Lords of session to sit in two divisions.

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IV. AND be it enacted, that from and after the said twelfth day of November one thousand eight hundred and eight the said judges in each division respectively shall sit in such rooms or places as his Majesty, his heirs and successors shall appoint, ... : Provided that the judges in each division shall have the same powers with respect to adjournment which the judges of the whole court now possess. Place of sitting of each division to be in the appointment of his Majesty. Power of adjournment.

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VI. AND be it enacted, that the judges sitting in the said respective divisions, or so many of them as shall form quorums thereof respectively as herein-after mentioned, shall be competent to exercise, and shall and may exercise, except in cases herein excepted, the like duties, powers, and functions in all respects, and with the same and the like authority and effect in all cases and matters that shall come before them, as are now exercised by the lords of session sitting together in court, or a quorum of them, and shall also enjoy the like authorities and privileges as are now enjoyed by the said lords so sitting, or such quorum. Judges in each division to exercise the same powers as the whole court heretofore.

VII. AND be it enacted, that four judges in each division shall be deemed to be a quorum thereof. [Rep., Stat. Law Rev. Act, 1872 (No. 2).] Quorum.

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IX. AND be it further enacted, that all causes, actions, processes, or matters, which according to the present law and practice come in the first instance into the said court as inner house causes, shall at the choice of the party instituting the same be brought before either of the said divisions; and that causes, actions, processes, or matters, which according to such practice are brought into the outer house or bill chamber before any of the ordinary lords, shall, at the choice of the party instituting the same, be brought before the ordinary lords of such division as the party instituting the same shall think proper to resort to, and shall not be removeable except into that division to which the lords ordinary belong under the provisions of this Act; and all causes, actions, processes, and matters shall be considered as being under the jurisdiction of the respective divisions of the judges before which they are brought, or to which the lords ordinary before whom they are brought belong; and the decrees or decisions of such division of judges or lords ordinary shall not be subject to review in the Court of Session by the other judges, save that those of such lords ordinary shall be subject to be reviewed by that division of judges to which such lords ordinary belong [Rep., Stat. Law Rev. Act, 1872 (No. 2).]: Provided Inner house causes may be brought before either division, and outer house causes before the lords ordinary of either division, &c.

that where any action, matter, process, complaint, or cause has been brought before one of the said divisions or the lords ordinary thereof, the other division or the lords ordinary thereof shall remit any action, process, matter, complaint, or cause subsequently brought before them relating to the same subject, matter, or thing, or having a connection or contingency therewith, to the consideration of the division or lords ordinary before whom the first cause, action, process, complaint, or matter had been previously brought; which remits shall be made in such form and manner as is now used, or as shall be established by future regulations of the whole court or a quorum of nine judges thereof, and which such court or quorum is hereby authorized and, if the same shall be necessary, required to make.

Judges of one division may state questions of law requiring the opinion of the judges of the other division.

X. AND be it enacted, that it shall be competent to the judges of either division, or the quorum thereof, in any cases which shall appear to them to be cases of importance and difficulty, to state questions of law in writing arising on such cases, and to require the opinions of the judges of the other division to be given thereupon; and such judges shall be bound to communicate their opinion thereupon, either as a collective body or as individual judges.

Forms of proceedings of both divisions to be the same, and no alteration to take place but by Acts of sederunt.

XI. AND be it enacted, that the forms of proceeding and process before each of the said divisions of the judges respectively, and before the lords ordinary of each respectively, shall be the same, and no alteration thereof shall take place, but by Acts of sederunt of the whole court or a quorum of nine judges thereof assembled by the lord president, to which court or quorum it shall be competent to make such alterations and regulations concerning such forms of proceeding and process, as shall appear to be necessary or expedient; and all the lawful powers of the Court of Session or any quorum thereof to make Acts of sederunt, and all other lawful powers, duties, or functions of the said court, or any quorum thereof, save as the exercise of their powers, functions, or duties is regulated by this Act, shall remain and be in full force.

Saving of powers of court.

Regulations to be made respecting the six principal clerks of session.

XII. AND be it enacted, that it shall be competent to the said court, or a quorum of nine judges thereof, assembled by the lord president, to make interim regulations, until provisions shall be made for that purpose by Parliament, with regard to the duties to be performed by the six principal clerks of session in the said divisions: Provided always, that each of the said principal clerks shall be entitled to act in either division, and that the said principal clerks shall be entitled to carry on their official business in their offices and in court in conformity to the present practice; and that it shall be competent to the said court to make interim regulations with regard to the duties to be performed by the depute clerks in the outer house, and by the clerk or clerks in the bill chamber, and other officers of court, as shall appear expedient for carrying on the business of each of the said divisions in a proper manner.

In causes remitted by the House of Lords to either division, the judges shall, if required,

XIII. AND be it enacted, that . . . . . in cases in which, after such divisions of the judges shall have taken place as aforesaid, causes shall be remitted by the House of Lords to the Court of Session, and when there shall be at the date of such remits no lords ordinary to such causes, the first of such causes so remitted shall belong to the division in which the lord president of the whole court presides, and the second to the other division, and so on successively; and where there are lords ordinary to such causes, the respective causes shall be remitted to the division in which the lords ordinary to such causes respectively belong: Provided nevertheless, that [Rep., Stat. Law Rev. Act, 1872 (No. 2).] in all causes in which the House of Lords shall think proper expressly in any remit to the court so to require the judges of the division of the Court of Session to which the cause

or matter shall after such remit belong shall be bound to require the opinion of the judges of the other division in matters or questions of law in writing, and such judges of the other division shall be bound to give and communicate the same in manner herein-before provided.

take the opinion of the judges of the other division.

XIV. AND be it enacted, that for the purposes aforesaid the Court of Session is hereby authorized to meet after the passing of this Act on any days, either in time of session or during vacation, nine of the said judges being a quorum, and the said court being assembled by the lord president, in order that such regulations may be made, and such distribution of causes may take place as shall be necessary or proper for carrying this Act into execution.

Court of Session to meet to form regulations for carrying this Act into execution.

XV. AND be it enacted, that hereafter no appeal to the House of Lords shall be allowed from interlocutory judgements, but such appeals shall be allowed only from judgements or decrees on the whole merits of the cause, except with the leave of the division of the judges pronouncing such interlocutory judgements; or except in cases where there is a difference of opinion among the judges of the said division; nor shall any appeal to the House of Lords be allowed from interlocutors or decrees of lords ordinary which have not been reviewed by the judges sitting in the division to which such lords ordinary belong: Provided that when a judgement or decree is appealed from it shall be competent to either party to appeal to the House of Lords from all or any of the interlocutors that may have been pronounced in the cause, so that the whole as far as it is necessary may be brought under the review of the House of Lords.

Appeals to the House of Lords.

XVI. PROVIDED always, and be it enacted, that if the reclaiming or representing days against an interlocutor of a lord ordinary shall from mistake or inadvertency have expired, it shall be competent, with the leave of the lord ordinary, to submit the said interlocutor by petition to the review of the division to which the said lord ordinary belongs; but declaring always, that in the event of such petition being presented, the petitioners shall be subjected in the payment of the expences previously incurred in the process by the other party.

As to review of interlocutors after expiration of time limited for appeal.

XVII. AND be it enacted, that when any appeal is lodged in the House of Lords a copy of the petition of appeal shall be laid by the respondent or respondents before the judges of the division to which the cause belongs; and the said division or any four of the judges thereof shall have power to regulate all matters relative to interim possession, or execution, and payment of costs and expences already incurred, according to their sound discretion, having a just regard to the interests of the parties, as they may be affected by the affirmance or reversal of the judgement or decree appealed from.

Copy of the petition of appeal to the House of Lords to be laid before the judges of the division to which the cause belongs, who shall make regulations as to interim possession, &c.

XVIII. AND be it enacted, that it shall not be competent by appeal to the House of Lords touching the regulations so made as to such interim possession, execution, and payment of expences or costs, to stop the execution of such regulations as shall have been so made as aforesaid respecting the same: Provided that when the appeal touching the judgement or decree appealed from shall be heard it shall be competent for the House of Lords to make such order and give such judgement respecting all matters whatsoever which shall have been done or have taken place in pursuance of or in consequence of such regulations so made as to interim possession, execution, and payment

Such regulations not to be stopped by appeal to the House of Lords; but the House, on the hearing of the appeal, shall make orders, &c. as to matters done under such regulations.

of expences or costs as the justice of the case shall appear to the said House of Lords to require.

House of Lords may adjudge payment of interest.

XIX. AND be it enacted, that if upon hearing the appeal it shall appear to the House of Lords to be just to decree or adjudge the payment of interest, simple or compound, by any of the parties in the cause to which such appeal relates, it shall be competent to the said House to decree or adjudge the payment thereof as the said House in its sound discretion shall think meet.

Respondents in appeals dismissed for want of prosecution may apply for interest and costs to the division to which the cause belongs.

XX. AND be it enacted, that if any appeal presented after the passing of this Act to the House of Lords against an interlocutor or decree of the said court or either of the divisions thereof shall be dismissed for want of prosecution, it shall be lawful for any respondent in such appeal to apply by petition to that division of the Court of Session to which such cause shall belong, and it shall be competent to the judges of the said division upon such petition to decree payment of interest, simple or compound, by the appellant to such respondent, in such manner as the said division in its sound discretion shall think meet, together with the costs or expences which have been incurred in consequence of such appeal.

Vacancies of judges to be filled up as heretofore.

XXI. AND be it further enacted, that as often as a vacancy of the office of a judge shall happen among the judges of either division, the same shall be filled up according to the present law and practice of Scotland: Provided that such new appointed judge shall go through the forms of admission in that division of judges only to which he is appointed, unless an objection is made to his admission, in which case the objection shall be decided by the whole court.

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49 GEORGE III. A.D. 1809.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JUNE, A.D. 1807,
IN THE FORTY-SEVENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE NINETEENTH DAY OF JANUARY, A.D. 1809,
BEING THE THIRD SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XIV.

AN ACT for repealing an Act of the Parliament of Scotland relative to Child Murder, and for making other Provisions in lieu thereof.

[20th March 1809.]

Recital of Scotch Act, Sess. 2. Parl. 1. Will. & Mar.

WHEREAS by an Act of the Parliament of Scotland passed in the second session of the first Parliament of King William and Queen Mary, intituled "Act anent "murthering of children," it is enacted that if any woman shall conceal her being with child during the whole space and shall not call for and make use of help and assistance

in the birth, the child being found dead or amissing, the mother shall be holden and reputed the murtherer of her own child: And whereas the punishment of death has been found too rigorous for such an offence, but nevertheless it is expedient that it should be repressed and punished suitable to its quality and degree: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said in part recited Act of the Parliament of Scotland shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1872 (No. 2).] Recited Act repealed.

II. AND be it further enacted, that if, from and after the passing of this Act, any woman in that part of Great Britain called Scotland shall conceal her being with child during the whole period of her pregnancy, and shall not call for and make use of help or assistance in the birth, and if the child be found dead or be amissing, the mother, being lawfully convicted thereof, shall be imprisoned for a period not exceeding two years in such common gaol or prison as the court before which she is tried shall direct and appoint. Concealing pregnancy, &c. how to be punished.

CHAPTER XXVII.

AN ACT for establishing Courts of Judicature in the Island of Newfoundland and the Islands adjacent; and for re-annexing Part of the Coast of Labrador and the Islands lying on the said Coast to the Government of Newfoundland.[a] [30th March 1809.]

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XIV. AND whereas his Majesty by his proclamation of the seventh day of October one thousand seven hundred and sixty-three was pleased to declare that he had put the coast of Labrador from the river Saint John to Hudson's Streights, with the islands of Anticosti and Madelaine, and all other smaller islands lying on the said coast, under the care and inspection of the governor of Newfoundland: And whereas by an Act passed in the fourteenth year of the reign of his present Majesty, intituled "An Act for making more effectual pro- 14 Geo. 3. c. 83.
"vision for the government of the province of Quebec in North America," all such territories, islands, and countries as since the tenth day of February one thousand seven hundred and sixty-three had been made part of the government of Newfoundland were during his Majesty's pleasure annexed to and made part of the province of Quebec, as created by the said proclamation: And whereas in pursuance of an Act passed in the thirty-first year of his present Majesty's reign, intituled "An Act to repeal certain parts of an Act passed in 31 Geo. 3. c. 31.
"the fourteenth year of his Majesty's reign, intituled 'An Act for making
"'more effectual provision for the government of the province of Quebec in
"'North America,' and to make further provision for the government of the
"said province," the said province of Quebec was divided into two provinces of Upper and Lower Canada, the latter including the parts of the coast of Labrador and the said islands so formerly annexed to the government of New-

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[a] So much of this Act as relates to so much of the coast of Labrador, from the river St. John to Hudson's Streights, as lies to the westward of a line to be drawn due north and south from the bay or harbour of Ance Sablon, inclusive, as far as the fifty-second degree of north latitude, with the island of Antiscosti and all other islands adjacent to such part as last aforesaid of the coast of Labrador, rep., 6 Geo. 4. c. 59. s. 9.]

foundland: And whereas it is expedient that the said coast of Labrador and the adjacent islands (except the islands of Madelaine) should be re-annexed to the government of Newfoundland: Be it therefore enacted, that such parts of the coast of Labrador from the river Saint John to Hudson's Streights, and the said island of Anticosti, and all other smaller islands so annexed to the government of Newfoundland by the said proclamation of the seventh day of October one thousand seven hundred and sixty-three (except the said islands of Madelaine) shall be separated from the said government of Lower Canada, and be again re-annexed to the government of Newfoundland; anything in the said Act passed in the thirty-first year of his present Majesty's reign or any other Act to the contrary notwithstanding.

Part of the coast of Labrador and the islands lying on the said coast re-annexed to the government of Newfoundland.

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CHAPTER XXXII.

AN ACT for continuing and making perpetual several Duties of one Shilling and Sixpence, repealed by an Act of the last Session of Parliament, on Offices and Employments of Profit, and on Annuities, Pensions, and Stipends, and thereby granted for One Year to the Twenty-fifth Day of March One thousand eight hundred and nine. [28th April 1809.]

WHEREAS certain rates and duties were granted to his Majesty for one year, from the twenty-fifth day of March one thousand eight hundred and eight, by an Act passed in the last session of Parliament, intituled "An Act for "continuing to his Majesty certain duties on malt, sugar, tobacco, and snuff in "Great Britain, and on pensions and offices in England, and for repealing so "much of certain Acts as relate to certain duties of sixpence and one shilling "respectively on offices and pensions, and for re-granting the said duties of "sixpence and one shilling respectively, and the said other duties for the ser-"vice of the year one thousand eight hundred and eight," and it is expedient to continue the same to his Majesty, his heirs and successors, for ever: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of March one thousand eight hundred and nine, there shall be assessed, raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, upon all annuities, pensions, stipends and other payments, salaries, fees, wages, and perquisites, as set forth in the schedule to this Act annexed, the several rates and duties respectively inserted and contained therein, which schedule and the rates and duties therein respectively contained, and the rules and exemptions therein respectively mentioned shall be deemed and construed a part of this Act as if the same were severally and respectively incorporated therewith, and under a special enactment; . . . . . .

48 Geo. 3. c. 2.

From March 25, 1809, there shall be paid upon all annuities, &c. as set forth in the schedule, the duties contained in the schedule.

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The SCHEDULE referred to by the Act of the forty-ninth year of his present Majesty's reign.

No. I.

For every twenty shillings of the yearly value or amount of all salaries, fees, and perquisites incident to or received for or in respect of all offices and employments of profit in Great Britain, granted by or derived from the crown, exceeding the value of one hundred pounds per annum, which have been heretofore rated or assessed by virtue of any Act for granting an aid to his Majesty by a land tax, and which since the Act for the redemption of such part thereof as was charged on lands, tenements, or hereditaments have been rated or assessed to the tax on offices or employments of profit by virtue of any Act or Acts for continuing the said last mentioned tax for one year, and from year to year, over and above all other duties already charged or payable, the sum of - - - - one shilling.

For every twenty shillings of all pensions and other gratuities payable out of any revenue belonging to his Majesty in Great Britain, exceeding the annual value of one hundred pounds per annum, over and above all other duties already charged or payable, the sum of - - - one shilling.

No. II.

For and upon all salaries, fees, and wages, payable for or in respect of offices of profit granted by or derived from the crown, which have heretofore been rated or assessed in manner aforesaid, and for and upon all pensions and annuities charged upon the revenue of Great Britain, over and above all other duties already charged or payable, the sum of - - sixpence.

EXEMPTIONS to the several Duties, as set forth in the Schedules No. I. and II. before mentioned.

Any of the royal family.

Any person on the staff of his Majesty's army; any commissioned or non-commissioned officer or private in the army, artillery, marines, or corps of engineers, or in the militia or volunteers, or in the navy.

Any pension or gratuity which his Majesty's royal predecessors, or his Majesty shall have been, or his said Majesty, his heirs or successors, shall be pleased to declare in the warrant, order, or other instrument directing payment thereof to be intended as charitable donations.

Any office or employment in any of the universities in Great Britain.

In every case when any salary, wages, fees, perquisites, gratuities, or other payments payable in respect of any office or employment of profit, or any annuity, pension, stipend, or other payment shall have been specially exempted from the payment of aids and taxes by any Act of Parliament.

In every case where any salary, stipend, or other payment of or in respect of any office or employment, or any proportion of such salary, stipend, or other payment which shall be payable to any person in respect of his having held any office or employment, or upon his superannuation from such office or employment, shall have been or shall be directed to be paid net or without deduction by any order of his Majesty in council, or by any warrant under the royal sign manual, or by any order of the commissioners of his Majesty's Treasury.

In every case where the charge or charges of one shilling and of sixpence respectively, or of either of them, on any salary, stipend, or other payment aforesaid, shall have been directed to be repaid or reimbursed to the party charged with the said duty of one shilling and sixpence respectively out of the public revenue, or out of the contingent or fee fund or incidents of any department of office by like order of his Majesty in council, or by any warrant under the royal sign manual, or by order of the commissioners of his Majesty's Treasury.

Provided always, that the authority for the payment net or without deduction of any salary, stipend, or other payment aforesaid, and the authority for the repayment out of the public revenue, or out of the contingent or fee fund or incidents of any department of office, of any charge made on any salary, stipend, or other payment aforesaid, shall be respectively certified by some principal officer in the department to which such office or employment belongs, or such payment is made, to be so paid net or without deduction, or to be repaid out of the said revenue.

RULES for charging the said several and respective Duties contained in No. I. and II. or either of them.

The said duties shall extend to and be charged upon all payments whatsoever made or to be made to any person who shall have been superannuated or shall have retired from any office or employment chargeable under this Act, in like manner and to the like extent as such payments would have been chargeable if such person had continued to hold such office or employment, except such offices or employments of profit as are expressly exempted therefrom by this Act.

The said duties shall extend to all payments out of any contingent fund or fee fund or incidents of any department of office, in like manner as to any payment out of the public money, except as aforesaid.

The profits of every such office or employment hereby chargeable with the said duty of one shilling upon the salaries, fees, and perquisites thereof, and the profits of every such office or employment of profit hereby chargeable with the said duty of sixpence upon the salary, fees, and wages thereof, shall severally and respectively be computed, raised, levied, and paid according to the annual value at which such profits respectively stand valued and rated in the last assessment to the said tax on offices and employments of profit by such annual Act as aforesaid.

All offices and employments of profit exceeding the value of one hundred pounds per annum, and hereby charged with the said duty of one shilling for every twenty shillings thereof, shall also be further chargeable with the said duty of sixpence for every twenty shillings thereof, according to the provisions of this Act respecting the said duty of sixpence; and all offices and employments of profit exceeding the said annual value, and hereby charged with the said duty of sixpence, shall also be further chargeable with the said duty of one shilling according to the provisions of this Act respecting the said duty of one shilling, and the charge or payment of either of the said duties in respect of such office or employment of profit as last aforesaid shall not be construed to exonerate any person from the charge or payment of the other of them.

CHAPTER XLII.

AN ACT for better regulating the Publick Records of Scotland.

[12th May 1809.]

WHEREAS irregularities and inconveniencies have arisen or may arise from the unnecessary multiplicity of registers in Scotland in which deeds and other writings may be competently recorded, either for execution or for preservation: And whereas the laws heretofore devised for regulating the formation and custody of the public records, and more especially of those in the local registries throughout Scotland, have not been found effectual; and it is of high importance that the whole of the public records within that part of the United Kingdom should be placed under one general and effectual plan of management and controul: And whereas by an Act of the Parliament of Scotland passed on the thirteenth day of June in the year one thousand six hundred and eighty-five, intituled "Act concerning the registration of writs in the books of "session," it is inter alia statuted and ordained "that no clerk of inferior court "for the future presume to registrate any writs in his books, either for con- "servation or where execution is to pass against any party that dwells without "the jurisdiction, under the pain of deprivation and of five hundred merks of "penalty, the one half to his Majesty, and the other half to the party pursuer," which provisions of the aforesaid Act it has become necessary to renew, modify, and enlarge: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the expiration of six months after the passing of this Act, but with and under the exceptions and reservations herein-after mentioned, it shall not be lawful for the clerks of royal burghs, or of burghs of regality or barony within Scotland, to receive any deeds or other writings for the purpose of being recorded by them in the books or registers of their respective courts, either in virtue of an Act of the Parliament of Scotland passed on the thirtieth day of August in the year one thousand six hundred and ninety-eight, intituled "Act concerning "registration of probative writs," or in virtue of any clause contained in such deeds and writings consenting that the same should be recorded either for preservation thereof or for execution: Provided always, that this Act shall not extend to or affect the right of the clerks of royal burghs to receive instruments of protest on bills of exchange, inland bills and promissory notes, and to record the same: Provided also, that this Act shall not extend to or affect the right of the clerks of royal burghs to record in their books instruments of seisin and other writs relative to heritable property holding in burgage and situated within their respective burghs or liberties thereof in virtue of an Act of the Parliament of Scotland passed on the sixth day of September in the year one thousand six hundred and eighty-one, intituled "Act concerning the registration "of seisins and reversions of tenements within burgh": Provided also, that this Act shall not extend to or affect the right of the clerks of royal burghs to receive and record dispositions, tacks, and other deeds relating exclusively to the property or possession of subjects holding in burgage and situated within such burghs or liberties thereof respectively, or any deeds or instruments where all the parties to the same shall be burgesses or have a legal domicil within such

Act 1685, cap. 38.

Clerks of burgh courts not to record probative writs, or deeds in virtue of clauses of registration;

except that clerks of royal burghs may record protests on bills; and instruments of seisin, &c. of tenements situate within their burghs;

and deeds relating exclusively to such tenements;

or any deeds where all the parties are

burgesses or domiciled inhabitants.

burghs at the time that such deeds or instruments shall be presented for registration.

Clerks of commissary courts not to record probative writs, or deeds in virtue of clauses of registration, or bills of exchange, &c.

II. AND be it further enacted, that from and after the expiration of six months after the passing of this Act it shall not be lawful for the clerks of the several commissary courts within Scotland to receive any deed or other writing for the purpose of being recorded by them in the books or registers of their respective courts, either in virtue of the above-mentioned Act of the Parliament of Scotland passed on the thirtieth day of August in the year one thousand six hundred and ninety-eight, or in virtue of any clause contained in such deeds or writings consenting that the same should be recorded either for preservation thereof or for execution, or in virtue of an Act of the Parliament of Scotland passed on the sixteenth day of September in the year one thousand six hundred and eighty-one, intituled "Act concerning bills of exchange," or of any Acts of the Parliament of Great Britain authorizing the registration of bills and promissory notes for the purpose of summary execution.

Such records and extracts from them to be of no authority.

III. AND be it further enacted, that if after the date aforesaid any of the clerks of royal burghs or burghs of regality or barony, or any of the clerks of the commissary courts within Scotland, shall receive any of the above-mentioned deeds or writings for the purposes of recording the same in their respective books or registers, or shall transcribe the same into their books, or shall give forth copies thereof, bearing to be extracts from their respective books or registers, excepting as above excepted, the aforesaid books, copies, and extracts shall not make faith or be of any avail or authority whatever; and the aforesaid clerks or others so offending shall be liable in a penalty of five pounds for each offence, which may be sued for and shall be recoverable to his own use, together with the expences of process, by the sheriff clerk or stewart clerk of the shire or stewartry within which such offence shall have been committed, on a summary complaint to the sheriff depute or stewart depute of such shire or stewartry; and in default of such prosecution at the instance of the sheriff clerk or stewart clerk within twelve months from the date of the commission of such offence, then such penalty shall and may be sued for and recovered, together with the expences of process, by the lord clerk register on a summary complaint presented within three years after the date of such offence to the lords of council and session, such penalty in the latter case being solely applicable by the lord clerk register to the purposes of the establishment of his Majesty's general register house.

Penalties on officers disobeying.

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Sheriff clerks to use for registration only books marked and issued by lord clerk register.

VIII. AND be it further enacted, that from and after the expiration of six months after the passing of this Act it shall not be lawful for the sheriff clerks or stewart clerks of the several shires and stewartries to use any books for the registration of deeds or other writings, unless the same shall have been previously marked at least on the first and last leaves thereof, and issued to them by the lord clerk register or his deputies authorized to that effect, for each of which books there shall not be charged more than the prime cost thereof, together with a fee to the deputy keepers of records not exceeding five shillings sterling; and if any sheriff clerk or stewart clerk shall use any other books or registers than such as shall have been previously marked as aforesaid and issued to him by the lord clerk register or his deputies he shall be liable in a penalty of five pounds sterling for each offence, to be recoverable, together with

Penalties on officers using other registers.

the expences of process, by the lord clerk register, on a summary complaint at his instance to the lords of council and session (such penalty being in all cases solely applicable by the lord clerk register to the purposes of the establishment of his Majesty's general register house), and shall further be bound and obliged again to record the same deeds and other writings or books duly marked and issued to him as aforesaid.

Clerks of royal burghs to use for registration only books similarly marked and issued.

Penalties on officers using other registers.

IX. AND be it further enacted, that from and after the expiration of six months after the passing of this Act it shall not be lawful for the clerks of royal burghs to use any books for the registration of instruments of seisin of subjects holding in burgage, or for the deeds and other instruments which they are hereby enabled to receive and to record, unless such books shall have been previously marked and issued by the lord clerk register or his deputies in the manner above directed, and under the penalty above provided in the case of sheriff clerks or stewart clerks as aforesaid.

Sheriffs depute annually to examine the state of record offices, and the progress and state of records kept by sheriff clerks, and to report thereon to the court of justiciary.

X. AND be it further enacted, that the sheriffs depute and stewarts depute of the several shires and stewartries, or their substitutes, shall at least once in every year carefully examine into the progress and state of all the different records framed and kept by the respective sheriff clerks and stewart clerks, and shall prepare exact reports in writing, setting forth the result of their examinations, and particularly specifying the state and situation of the buildings in which the records of their respective shires and stewartries are kept, and how far the laws and regulations relative to the several records have been faithfully and punctually executed and obeyed; and the sheriffs depute of the several shires of Edinburgh, Haddington, and Linlithgow, or their substitutes respectively, shall in the month of November in every year present such reports duly authenticated to the lords commissioners of justiciary at Edinburgh, and the sheriffs depute and stewarts depute of the other shires and stewartries, or their substitutes respectively, shall present their said reports duly authenticated to the lords commissioners of justiciary at the circuit courts that shall be holden within their respective bounds in the autumn of every year; and the said lords commissioners of justiciary are hereby empowered to make such orders thereon, or direct such further inquiries to be made as may appear to them to be necessary, and direct their clerks to enter the same in the minutes of the court, and thereafter to transmit the several reports, with a certified copy of the orders that may have been made by them thereon, to the lord clerk register, at whose instance it shall be competent to present to the lords of council and session summary complaints against any of the sheriff clerks or stewart clerks, or their deputies, on account of any neglect or malversation in the business of the several records committed to their care, and for redressing and punishing the same according to law.

The court of justiciary to direct inquiries and make orders thereon, and transmit the reports and orders to the lord clerk register.

Magistrates of royal burghs annually to examine the progress and state of records; and to report thereon to the court of justiciary, which shall proceed as above directed.

XI. AND be it further enacted, that the chief magistrates of the said royal burghs respectively shall at least once in every year carefully examine into the progress and state of all the different records framed and kept by the respective clerks of such royal burghs, and shall prepare exact reports in writing in the manner above directed in the case of sheriff clerks and stewart clerks; and such chief magistrates shall in the month of November in every year transmit such reports to the lords commissioners of justiciary at Edinburgh, who are hereby empowered to make orders and direct inquiries in the manner above provided in the case of sheriff clerks and stewart clerks as aforesaid;

and the clerks of justiciary shall in like manner transmit such reports, with a certified copy of such orders, to the lord clerk register, at whose instance summary complaints may be made against clerks of royal burghs in the manner above directed in the case of sheriff clerks and stewart clerks as aforesaid.

Registers by law transmissible periodically to the general register house, to be delivered within three months after completion.

XII. AND whereas it is expedient that the transmission of the successive volumes or books of the several public records from the offices in which they are formed to his Majesty's general register house should be made with the least possible delay: Be it enacted, that within six months after the passing of this Act, the keepers of the several public records which are by law transmissible to his Majesty's general register house shall deliver all the volumes or books of their respective records that are already completed, together with the minute books and the warrants thereof, to the lord clerk register or his deputies; and that in all time coming thereafter the successive books or volumes of these records shall in all cases be delivered to the lord clerk register or his deputies within three months after the same have been severally completed and filled up; and if the keepers of these records shall refuse or neglect to make such regular transmission of the successive books of their respective records, it shall be competent for the lord clerk register to present a summary application to the lords of council and session complaining of such refusal and neglect, by whom warrants shall be granted for issuing letters of horning against such keeper or keepers, in order to enforce obedience to this Act, and by whom such further pains and penalties may be inflicted by fine, not exceeding fifty pounds, on such defaulters, as in the circumstances of the case shall seem just, to be applied by the lord clerk register to the purposes of the establishment of his Majesty's general register house.

Penalties on officers disobeying.

For expeding grants under the great seal.

XIII. AND for remedying the inconveniencies that have arisen or may arise from the unnecessary multiplicity of writings and records now in use, as the successive warrants of charters and grants of lands and other heritable property, which pass under the seal appointed by the treaty of union to be kept and used in Scotland in place of the great seal thereof formerly used there, be it enacted, that from and after the expiration of six months after the passing of this Act, in expeding such charters and grants under the aforesaid seal, the Latin precept under the signet shall be so framed as to be carried directly to Chancery without its containing any order that a precept under the privy seal shall be directed thereupon, and without such precept under the privy seal being made out or recorded, and such Latin precept under the signet shall from thenceforth be received by the director of his Majesty's Chancery in Scotland and by the keeper of the great seal as the only legal and sufficient warrants to them respectively for framing grants in terms of the same, and for appending thereto the seal appointed by the treaty of union to be kept and used in Scotland in place of the great seal thereof formerly used there.

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XV. AND whereas it is of great importance that the record of writs passing under the great seal, and which is kept by the director of Chancery, should be in all respects complete, authentic, and authoritative; and that an Act of sederunt touching that record was passed by the lords of council and session on the eleventh day of February one thousand eight hundred and eight, to which it is expedient to give the force and effect of a public law: Be it enacted, that

the keeper of the great seal or his deputies, instead of delivering the sealed charters or other writs to the persons by whom these have been expede, shall forthwith deliver the same, together with the warrants thereof, to the director of Chancery or his deputy, by whom, after making the proper entries of the sealing in the record, the writs shall be delivered respectively to the persons by whom they shall have been expede; and the aforesaid warrants shall remain in the possession of the director of Chancery until the same, together with the register in which the relative writs have been recorded, shall be transmitted to his Majesty's general register house.

Register of the great seal, how to be rendered complete and authoritative.

XVI. AND be it enacted, that extracts of writs from the register of the great seal, of which the fact and date of sealing shall have been duly recorded (such extracts being certified in due form by the keepers of the said records), shall make entire faith in all cases, excepting in cases of improbation.

Extracts from register of great seal to be probative.

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CHAPTER XC.

AN ACT for providing Relief for the Wives and Families of the Militia Men in Scotland when called into actual Service. [10th June 1809.]

WHEREAS an Act passed in the forty-third year of the reign of his present Majesty, intituled "An Act for providing relief for the families "of militia men in Scotland when called into actual service": And whereas the said Act requiring to be amended, it is expedient to repeal the same, in order that the whole provisions for such relief may be consolidated in one Act: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the expiration of two calendar months after the passing hereof, the said Act shall be and the same is hereby repealed (excepting in so far as the same relates to the qualification and appointment of deputy lieutenants for the counties of Bute and Sutherland, and also excepting in so far as it prevents a substitute from being received for any ballotted man in the militia of Scotland, which substitute shall have more than two lawful children at the time he shall be produced to be enrolled); and from and after the expiration of such two months, wherever the said recited Act shall have been referred to in any Act or Acts of Parliament, this Act shall be deemed and taken to be the Act so referred to in the same manner as if this Act had been therein referred to.

43 Geo. 3. c. 89.

Recited Act repealed, except so far as it relates to the qualification and appointment of deputy lieutenants for Bute and Sutherland, and except so far as it prevents substitutes from being received who have more than two children.

II. AND be it enacted, that if any person serving or enrolled in the militia of Scotland as a non-commissioned officer or drummer, or as a ballotted man or substitute, hired man, or volunteer respectively shall, when embodied and called out into actual service, leave a family unable to support themselves, the family of every such non-commissioned officer, drummer, ballotted man, substitute, hired man, or volunteer respectively shall receive in the manner herein-after directed a weekly allowance by the following rule; that is to say, a sum not exceeding the usual and ordinary price of one day's labour in husbandry within the county, stewartry, division, district, parish, or place where such family shall dwell, nor less than one shilling, for each and every child born in wedlock and under the age of ten years; and for the wife of

Families of militia men in Scotland called out into actual service and unable to support their families to receive a weekly allowance.

such non-commissioned officer, drummer, ballotted man, substitute, hired man, or volunteer, whether he shall or shall not have any child or children, a sum not exceeding the price of one day's such labour, nor less than one shilling.

Rate of allowance how to be fixed.

III. AND be it further enacted, that it shall be lawful for the justices of the peace of any county or stewartry in Scotland raising any militia, assembled in quarter sessions, either upon the day on which the Michaelmas head court is held or on the day on which the commissioners of supply meet to assess the land tax, and they are hereby directed, to settle, ascertain, and regulate the rate of allowance to be paid under this Act to the families of militia men resident within such county, stewartry, division, or place; and every such rate of allowance so settled, ascertained, and regulated as aforesaid shall be binding upon all justices of the peace making any order for the payment of allowances under this Act in such county, stewartry, division, or place, until another or new rate of allowance shall be settled by them as aforesaid.

Former rate of allowance to continue until a new rate made.

IV. PROVIDED always, and be it enacted, that the rate of allowance settled and ascertained by the justices of the peace of any county or stewartry under the said recited Act shall continue to be the rate of allowance to be paid to wives and families of militia men under this Act, until another or new rate shall be settled in manner hereby directed.

Allowance not to be made until militia man shall have joined his corps, nor longer than he shall remain in actual service; nor where the wife shall follow the corps or leave her children or depart from her home, unless under certificate for obtaining work, &c.

V. PROVIDED always, and be it further enacted, that no allowance shall be ordered or paid under this Act to the wife or children of any person serving in the militia, until such person shall have joined the regiment, battalion, or corps to which he belongs, or for any longer period than such person shall continue to serve and remain embodied in actual service; nor in any case in which the wife in respect of or by whom any such relief is demanded shall be in the same parish or place wherein the regiment, battalion, or corps in which her husband shall serve shall be for the time, or shall leave her child or children (if any) or depart from her home or place of residence specified in the declaration herein-after mentioned, unless under certificate of any neighbouring justice of the peace, or the minister and one or more members of the kirk session of the parish in which such relief shall be given, authorizing such departure for a time specified therein, not exceeding ten weeks, for the purposes of harvest, or obtaining by work a better support for her family.

Nor to the family of any substitute, &c. marrying while on actual service without the consent of his commanding officer, who shall certify such consent.

VI. PROVIDED always, and be it further enacted, that from and after the passing of this Act no allowance under this Act shall be given or ordered to be given to the family of any substitute, hired man, or volunteer who shall marry after and during the time of his being called out into actual service, unless such marriage shall have taken place with the consent of the colonel or commanding officer of the regiment, battalion, or corps to which such militia man shall belong, and such consent shall have been certified under the hand of such colonel or other commanding officer previous to such marriage.

Commanding officers to ascertain that such men are not previously married, and to keep a register of certificates and of marriages.

VII. AND be it enacted, that previous to the granting of any such certificate such commanding officer shall satisfy himself that every such substitute, hired man, or volunteer was not previously married; and every commanding officer granting such certificate shall keep or cause to be kept a register thereof and of the marriage, in the manner appearing from schedule (F.) hereunto annexed.

VIII. PROVIDED always, and be it further enacted, that no wife, child, or children of any militia man shall be entitled to any allowance under this Act unless such militia man shall make and sign a declaration before the commanding officer of the regiment to which he belongs according to the schedule (A.) hereunto annexed, and unless such commanding officer shall certify that such a declaration has been made before him according to the form appearing from schedule (B.) hereunto annexed, and unless such commanding officer shall transmit such declaration and certificate to the clerk of supply of the county or stewartry wherein such wife or children reside, which he is hereby required to do.

No family to be entitled to allowance unless the husband make a declaration, to be certified by the commanding officer and transmitted to the clerk of supply.

IX. AND be it enacted, that any such declaration and certificate shall remain in force for six months, and no longer.

Declaration and certificate to remain in force only six months.

X. AND be it further enacted, that upon such declaration and certificate being transmitted to the clerk of supply of the county or stewartry where such wife or children reside, he shall enter the same in a register to be kept of such declarations and certificates, in the manner appearing from schedule (G.) hereunto annexed, and such clerk of supply shall transmit every such declaration and certificate within six days after he shall have received the same to the minister of the parish wherein such wife or children reside; and any clerk of supply receiving any such declaration and certificate, and failing or neglecting to register and transmit the same in the manner herein directed, shall forfeit and pay a sum not exceeding five pounds for each default, to be recovered with expences or costs of suit, by a summary complaint to be made to the sheriff or stewart depute of the county or stewartry by any person or persons, one half of which penalty to be applied to the use of his Majesty, his heirs and successors, and the other half to be paid to the person or persons suing for the same.

Declaration and certificate to be entered by clerk of supply, and transmitted to the minister of the parish where the family reside.

Penalty for neglect.

XI. AND be it further enacted, that the minister upon receiving such declaration and certificate shall lay the same before the kirk session, and the said minister and kirk session shall enquire into the situation of the family, and if upon such enquiry it shall appear that they are unable to maintain themselves, such minister and kirk session shall thereupon sign a certificate in the terms appearing from the schedule (C.) hereunto annexed, and shall transmit the same to some commissioner of supply residing within the parish, or in the event of no commissioner of supply residing within the parish to some heritor possessed of land within the parish to the amount of at least fifty pounds of valued rent, or some person occupying land within the parish and paying rent of not less than fifty pounds sterling per annum; and in cities or towns corporate to one of the magistrates thereof; and if such commissioner or heritor, or person or magistrate respectively shall be satisfied of such inability, they as well as such minister and kirk session shall sign such certificate.

Minister and kirk session to enquire into inability, and thereupon grant certificate.

XII. PROVIDED always, and be it enacted, that if upon such enquiry it shall appear that such wife or children may be enabled to maintain themselves with a smaller allowance than the rate hereby directed to be paid to such wife or children, such minister and kirk session are hereby authorized to ascertain and specify the amount of such smaller allowance to be paid to such wife or children in such certificate as aforesaid; and every smaller allowance so ascertained and specified shall be paid in the same manner as if the full allowance authorized by this Act were to be paid to such wife or children.

If a smaller allowance will be sufficient, minister and kirk session shall specify the amount.

Certificate to be renewed every three months.

XIII. AND be it further enacted, that such certificate shall remain in force for three months and no longer; and if at the expiration of such period the wife or children shall still be unable to support themselves, they shall again apply to the minister, who shall again lay their application before the kirk session, and such minister and kirk session shall again enquire into such inability, and if such inability shall appear to continue another certificate shall be granted according to the form and in the manner before directed, and so at the end of every three months as often as any such application shall be made; provided that a return shall not have been made in the manner herein-after directed of the death, desertion, removal, or otherwise from the regiment of any militia man in behalf of whose wife or children any such application shall have been made.

On production of certificate, justices to make an order for allowance.

XIV. AND be it further enacted, that upon the production of such certificate to a justice of the peace of the county or stewartry where such family resides, such justice shall, if he be satisfied therewith, make an order in the form appearing from schedule (D.) hereunto annexed, for the payment of a weekly allowance, according to the rate which shall have been settled by the justices of the county or stewartry as aforesaid, for each and every child and the wife named in such certificate, or where a smaller allowance shall appear to have been ascertained and shall be specified in such certificate, then for the payment of such smaller allowance.

Order to remain in force only three months.

XV. AND be it further enacted, that every such order shall remain in force for three months, and no longer.

Certificates on which orders are made to be transmitted by justice to clerk of supply, who shall transmit copies of such as relate to families of men serving for other counties, &c. to the clerks of supply of such counties, &c. and shall transmit the originals to the collector of cess.

Penalty for neglect.

XVI. AND be it further enacted, that every such certificate upon which any such order shall have been made shall forthwith be transmitted by the justice of the peace making the same to the clerk of supply of the county, stewartry, city, or place in which such families shall dwell, who shall record the same, and shall forthwith transmit copies of so many of such certificates as relate to allowances to families of militia men serving for any other county, stewartry, city, or place to the clerk of supply of such other county, stewartry, city, or place, and shall also transmit the originals of all certificates transmitted to him by a justice of the peace as aforesaid to the collector of the cess for his county or stewartry, city or place; and any clerk of supply failing or neglecting for the space of six days after the receipt of any such certificates to record and transmit copies and the originals thereof in the manner herein directed shall forfeit and pay a sum not exceeding five pounds for each neglect, to be recovered with expences or costs of suit in the same manner that any penalty against clerks of supply is herein directed to be recovered, one half of which penalty to be applied to the use of his Majesty, his heirs and successors, and the other half to be paid to the person or persons suing for the same.

Collector of cess to remit the amount of the allowances monthly to kirk treasurer.

Penalty for neglect.

XVII. AND be it further enacted, that it shall be lawful for such collector of the cess, and he is hereby authorized and required, to remit or pay out of such public monies as may be in his hands to the treasurer of the kirk session of each parish, and where there shall be no such treasurer, then to the minister and kirk session of such parish, at least once in every month, a sum sufficient to satisfy and pay the amount of the allowances specified in such certificates so transmitted to such collector; and any collector failing or neglecting to remit such sum in the manner herein directed shall forfeit and pay a sum equal to

twice the amount thereof, to be recovered with expences or costs of suit by a summary complaint to be made to the sheriff or stewart depute of the county or stewartry by any person or persons, one half of which penalty shall be paid to the kirk treasurer, or to the minister and kirk session where there is no kirk treasurer, to make good the sum which ought to have been remitted to him or them by such collector, and the other half to be paid to the person or persons suing for the same.

Treasurer of kirk session to pay the parties entitled upon production of the order from the justice, and to transmit an account to clerk of supply.

XVIII. AND be it further enacted, that the treasurer of the kirk session or minister and kirk session (as the case may be) to whom such sum shall be remitted shall give a receipt for the same; and such weekly allowances shall be paid by the kirk treasurer or the minister and kirk session, upon production of the order made by a justice of the peace as aforesaid, to the persons entitled to receive the same, provided such persons are actually residing in the parish where such allowances are demanded at the time, but not otherwise, unless upon permission for a limited time, and upon a certificate thereof in the manner herein-before directed, and receipts shall be taken from the persons to whom such allowances shall be paid; and the said kirk treasurer or minister and kirk session shall transmit an account once in every month to the clerk of the commissioners of supply, to be by him preserved and kept, shewing the monies received and paid pursuant to this Act, in which the persons to whom the same shall be paid shall be specially described by name, age, residence, and as the wife or children of the militia man, declared and certified in the manner herein directed; and any treasurer of the kirk session or minister and kirk session to whom money shall have been remitted or paid as aforesaid (as the case may be), who shall refuse or delay to pay such weekly allowances in the manner herein directed, shall forfeit and pay a sum equal to twice the amount of each sum so refused or delayed to be paid, or who shall fail or neglect to transmit an account in the manner hereby directed, shall forfeit and pay a sum not exceeding five pounds for each neglect, to be recovered in a summary manner, with expences or costs of suit, upon complaint made to any justice of the peace of the county or stewartry in which such treasurer, minister, and kirk session reside, by the person or persons to whom the same ought to have been paid, or by the clerk of supply to whom the same ought to have been transmitted, one half of which penalty to be applied to the use of his Majesty, his heirs and successors, and the other half to be paid to the person or persons suing for the same.

Penalty for neglect.

Clerks of supply shall transmit certified copies of accounts to collectors of cess; and where allowances have been paid to families of men serving for other counties, &c. shall transmit copies of accounts to the clerks of supply of such counties, &c.

XIX. AND be it further enacted, that every clerk of supply receiving such account shall within ten days after the receipt thereof send a copy of every such account, certified by him to be a true copy, to the collector of the cess of his county, stewartry, city, or place; and where any of the allowances appearing to have been paid by such account shall have been made to the family of any militia man serving for any other county, stewartry, city, or place, a copy of so much of such account, certified as aforesaid, shall within ten days after the receipt thereof be transmitted by the clerk of supply who shall have received the same to the clerk of supply of every county, stewartry, city, or place for which any such militia man shall be serving, who shall record the same; and any clerk of supply failing or neglecting to transmit accounts in the manner hereby directed shall forfeit and pay a sum not exceeding five pounds for each default, to be recovered by any person suing for the same, with expences or

Penalty for neglect.

costs of suit, in the manner in which any other penalty is directed to be recovered by this Act.

Annual accounts to be stated by collectors.

XX. AND be it enacted, that in the month of January in every year accounts shall be stated by and between the collector of every county or stewartry with each kirk treasurer or minister and kirk session within his county or stewartry, shewing the amount of all monies remitted or paid by such collector to such kirk treasurers or ministers and kirk sessions respectively in the year preceding the first day of the said month of January in which such account is stated, and also shewing the allowances paid by such kirk treasurers or ministers and kirk sessions for the year preceding such first day of January, and such accounts shall be settled by such collector with such kirk treasurers or ministers and kirk sessions respectively, who shall thereupon deliver up to such collector the receipts taken for the payment of such allowances; and any collector of the cess failing or neglecting to settle or to get settled such accounts in the month of January in every year as aforesaid shall not be allowed to take credit in his accounts with the receiver general for Scotland for any monies remitted or paid by him under this Act.

Accounts to be examined by clerks of supply;

XXI. AND be it enacted, that every such account shall on or before the fifteenth day of February in every year be examined and compared with the vouchers thereof by the clerk of supply of the county, stewartry, city, or place in which the same shall be made up, and shall thereupon be docquetted and signed by him.

Who shall transmit accounts of allowances paid to families of men serving for other counties, &c. to clerks of supply of such counties, &c.

Penalty for neglect.

XXII. AND be it enacted, that such clerk of supply shall make up from such account accounts shewing the allowances paid in his county, stewartry, city, or place to families residing therein of militia men serving for other counties, stewartries, cities, or places respectively, and shall on or before the twenty-fifth day of February in every year transmit such accounts signed by him to the clerks of supply of such counties, stewartries, cities, or places respectively; and any clerk of supply failing or neglecting to make up and transmit such accounts to the clerks of supply of such counties, stewartries, cities, or places shall forfeit and pay a sum not exceeding five pounds for each offence, to be recovered and applied in the same manner as any other penalty may be recovered and applied under this Act.

Accounts to be stated by clerks of supply of each county, &c. once a year of sums paid to families of men serving for such county, &c.

XXIII. AND be it further enacted, that in the month of March in every year an account shall be made up by the clerk of supply of every county, stewartry, city, or place, stating the allowances paid previous to the first day of January preceding to the families of any militia men serving for such county, stewartry, city, or place, whether residing in such county, stewartry, city, or place, or in any other county, stewartry, city, or place.

Assessment to be made thereupon in each county, &c. for the amount.

XXIV. AND be it enacted, that such account may be examined by a committee of the commissioners of supply from time to time to be appointed by them for that purpose, and shall be laid before the said commissioners of supply at the next annual meeting at which they assemble to assess the land tax, and at such meeting the said commissioners of supply shall make an assessment equal to the amount of the allowances appearing from such account to have been paid to the families of militia men serving for such county, stewartry, city, or place in the following manner; that is to say, upon land according to the valued rent of the same, and upon houses according to the rent or yearly value set on such houses by the latest assessment of the house

Mode of assessment.

tax, and in the following proportions; videlicet, for every such assessment to the amount of one shilling sterling upon one hundred pounds scots of valued rent, an assessment shall be laid upon the rent or yearly value of houses so ascertained at the rate of one penny sterling in the pound of such rent or yearly value, and so in proportion for any greater or less sum.

Houses not rated to house tax exempted.

XXV. PROVIDED always, and be it enacted, that no such assessment shall be laid upon any house which shall not be rated for the house tax.

No person to be assessed for both houses and land.

XXVI. PROVIDED also, and be it enacted, that no person or persons shall be assessed in respect of his, her, or their house or houses, and also in respect of his, her, or their lands in the same county or stewartry, but it shall be in the power of the said commissioners to lay such assessment upon such person or persons either in respect of such house or houses or of such lands, as to such commissioners shall seem calculated to produce the highest assessment.

One half of assessment to be paid by tenants.

XXVII. PROVIDED also, and be it enacted, that for all sums so assessed upon land the proprietor shall have relief against the tenant or occupier thereof for one half of such assessment, and every such assessment upon houses shall be paid by the occupier or occupiers thereof, who shall be entitled to deduct from his, her, or their rent one half of every such assessment so paid by such occupier or occupiers.

Account of rate to be made up;

XXVIII. AND be it further enacted, that at the time every such assessment is made an account in the form in the schedule (E.) hereunto annexed shall be stated, shewing the gross amount of the sums for which it is made; and also the rate at which it is to be levied upon the valued rent of land and upon the rents of houses, in the manner directed by this Act, which account shall be signed by the clerk of supply and by the præses of the meeting of the commissioners of supply at which such assessment is made, and the same shall be transmitted to the collector of the cess as his authority for levying such assessment; and such account so authenticated shall, if required, be shewn by such collector to every person paying his proportion of such assessment.

and shewn, if required, to persons assessed.

Mode of compelling assessment and collection of rate.

XXIX. AND be it further enacted, that in case any commissioners of supply shall omit, neglect, or refuse to make any such assessment according to the directions of this Act, then the clerk of supply of such county, stewartry, city, or place shall and he is hereby required within fourteen days after the meeting at which such assessment ought to have been made to certify to his Majesty's attorney in Exchequer in Scotland such neglect, omission, or refusal of such commissioners, and the names of such commissioners who shall be present at such meeting; and his Majesty's attorney in Exchequer is hereby required on receipt of such certificate forthwith to proceed by all such legal means as shall be most effectual and expeditious to compel such commissioners to pay due obedience to this Act, and to cause such assessment to be made, and the money raised, collected, and paid.

How assessments shall be levied in Edinburgh and Glasgow.

XXX. PROVIDED always, and be it enacted, that in the cities of Edinburgh and Glasgow the magistrates thereof shall and they are hereby authorized to levy from the heritors, burgesses, and inhabitants of such city their proportion of the assessment to be made pursuant to this Act to raise the sum necessary to afford the relief hereby provided to the families of the militia serving for the said cities, in such manner and in the same proportions as the cess stent and other public burdens and contributions are in use by law to be assessed and levied in the said cities.

In those cities certificates, &c. shall be transmitted to town clerks, who shall perform the duties of clerks of supply.

XXXI. PROVIDED always, and be it further enacted, that in the two cities aforesaid all certificates of inability shall be transmitted from the parishes within the same to the town clerk of the said cities respectively, who shall and he is hereby required to do all matters and things directed by this Act to be done by the clerk to the commissioners of supply in any county or stewartry.

Adjutant to make monthly returns of vacancies to clerks of supply;

XXXII. AND be it further enacted, that the adjutant of every regiment, battalion, or corps of militia, or, where there shall be no adjutant, the serjeant major thereof shall, within seven days after the twenty-fourth day of every month during the time that the militia to which he shall belong shall remain embodied and in actual service, return to the respective clerks of supply of the county, stewartry, or place. to which such regiment, battalion, or corps shall belong a particular list of all promotions and vacancies, and all deaths, desertions, and other causes of vacancy that shall have occurred among the private militia men serving for the several and respective subdivisions of the county, stewartry, or place to which such regiment, battalion, or corps shall belong in the calendar month preceding each such twenty-fourth day as aforesaid, and shall specify the christian and surname of each man so returned, and whether ballotted man, substitute, hired man, or volunteer, and the parish or place for which he was serving; and such respective clerks of the commissioners of supply shall within six days after the receipt of such return transmit proper extracts of so much thereof as relates to militia men whose families reside within their own county, stewartry, city, or place to the kirk treasurers or the ministers and kirk sessions of the respective parishes or places therein, and proper extracts of the remainder of such returns to the clerks of supply of the other counties or stewartries in which the families of any such militia men receiving an allowance under this Act shall be then residing, and such clerks of supply of such other counties or stewartries shall within six days after the receipt of the same transmit proper extracts thereof to the kirk treasurers or the ministers and kirk sessions of the respective parishes within their counties or stewartries in which the families of any such militia men receiving an allowance under this Act shall be then residing.

who shall transmit extracts to the kirk treasurers, &c. of parishes in which families relieved reside.

Allowances for trouble and expenses to kirk treasurer, &c. to be included in assessments.

XXXIII. AND be it further enacted, that it shall and may be lawful for the commissioners of supply of any county or stewartry assembled at the annual meeting at which they meet to assess the land tax, and they are hereby empowered, to grant such allowance to such treasurer of the kirk session as they shall think sufficient for his trouble in paying and keeping the accounts of such disbursements, and such commissioners of supply shall be and they are hereby further empowered to allow a sum equal to what shall appear to them to be the necessary expences incurred by such treasurer of the kirk session or by the minister and kirk session in discharging the duties hereby required of him or them, which allowances shall be paid by the collector of the county or stewartry upon the order of such commissioners, who shall include the sum specified therein in the amount of the assessment directed to be made pursuant to this Act: Provided always, that no such allowance shall be granted to any such treasurer or minister or kirk session who shall fail or omit to settle their accounts in the manner directed by this Act.

Allowances to collectors and clerks of supply,

XXXIV. AND be it further enacted, that it shall and may be lawful for the commissioners of supply of any county or stewartry assembled at such annual meeting as aforesaid, and they are hereby empowered, to grant an

allowance to the collector of the cess and to the clerk of supply of their county or stewartry for their trouble in doing and performing the various matters and things required by this Act to be done and performed by such collector of the cess and clerk of supply, not exceeding the sum of twenty pounds per annum to any collector of the cess, and thirty pounds per annum to any clerk of supply; and every such allowance shall be satisfied and paid upon the order of such commissioners by being included in the first assessment made under this Act after such order shall have been made; and the collector of the cess levying such assessment shall account for and pay such allowance to the clerk of supply as he shall be entitled to by such order.

to be included in assessments.

XXXV. AND be it further enacted, that no sums paid or remitted by any collector pursuant to this Act shall be allowed in his accounts with the receiver general of Scotland, unless he shall produce as the vouchers thereof the original certificates of inability directed by this Act to be transmitted to him by the clerk of supply of his county, stewartry, city, or place, and the receipts transmitted or delivered to him by the kirk treasurers or ministers and kirk sessions pursuant to this Act, and also the accounts annually settled in manner herein directed with the vouchers thereof.

No collector to take credit for sums remitted, unless he produces vouchers, &c.

XXXVI. AND be it enacted, that each collector of the land tax remitting and paying money as directed by this Act shall on or before the fifteenth day of April in every year transmit to the lord chief baron and other barons of his Majesty's Exchequer in Scotland an account with the vouchers of all the money so remitted and paid by him previous to the first day of January preceding, and of all the money levied by him pursuant to any assessment made in terms of this Act or otherwise received pursuant to this Act previous to the date of such account; and any collector of the land tax failing or neglecting to transmit such account in the manner herein directed shall forfeit and pay a sum not exceeding twenty pounds sterling, to be recovered upon the application of his Majesty's advocate to the said lord chief baron and barons aforesaid, besides being otherwise responsible for such default as accords of law.

Account of money remitted and levied to be transmitted by collectors of land tax to the Court of Exchequer.

Penalty for default.

XXXVII. AND be it enacted, that the clerk of supply of every county, stewartry, city, or place shall and is hereby required, within fourteen days after the annual meeting of the commissioners of supply at which they assemble to assess the land tax, to transmit to his Majesty's attorney in Exchequer a copy of the account made up by him in the month of March preceding as directed by this Act, and shall at the same time certify to his Majesty's said attorney in Exchequer whether an assessment has been made therefore pursuant to this Act, and shall further certify to such attorney in Exchequer the gross amount of all the allowances made to the families of militia men residing within his county, stewartry, city, or place pursuant to this Act previous to the first day of January preceding; and any clerk of supply failing or neglecting to transmit such account or to certify to his Majesty's attorney in Exchequer in the manner hereby directed shall forfeit and pay any sum not exceeding ten pounds, to be recovered in the same manner as any penalty against any collector of the cess may be recovered.

Accounts to be transmitted by clerks of supply to the Court of Exchequer.

Penalty for default.

XXXVIII. AND be it further enacted, that such accounts and vouchers so transmitted by the collectors of the cess and clerks of supply to the Court of Exchequer shall, as soon as conveniently may be after the receipt thereof, be

Accounts transmitted to the Court of Exchequer to

be examined by his Majesty's remembrancer.

examined by his Majesty's remembrancer in Exchequer, who shall report to the lord chief baron and other barons of the Exchequer whether the directions of this Act have been complied with, and whether it appears that the assessments have been made and levied which ought to have been made and levied in terms of this Act, and whether such collectors have rendered due accounts with proper vouchers thereof, and have accounted for every sum of money which ought to have come to their hands pursuant to this Act; and the lord chief baron and other barons aforesaid shall make such order and give such directions as shall appear to them necessary and proper to be made and given thereupon.

Barons to make orders thereon.

Barons of Exchequer may direct the collectors of cess to recover from each other sums paid to families of men serving for other counties, &c.

XXXIX. AND be it enacted, that it shall and may be lawful for the lord chief baron and other barons of the Court of Exchequer in Scotland, and they are hereby empowered, if they shall think proper, to order and direct the respective collectors of the cess of the counties, stewartries, cities, or places in which allowances shall appear to have been paid for families residing therein of militia men serving for other counties, stewartries, cities, or places, to recover from the respective collectors of the cess of such other counties, stewartries, cities, or places such sums of money as shall appear to have been paid for families of militia men serving for such other counties, stewartries, cities, or places as aforesaid.

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Allowance not to be made in certain cases.

XLV. . . . . Provided always, that no allowance under this Act shall be ordered to be paid to the family of any substitute, hired man, or volunteer to be enrolled after the passing of this Act, who shall at the time of his enrolment have more than two lawful children, or who shall have fraudulently represented and declared that he had no wife at the time of his enrolment, or who shall have fraudulently and falsely represented and declared at the time of such enrolment that he had not more than two lawful children.

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SCHEDULES to which this Act refers.

SCHEDULE (A.)

DECLARATION to be made and signed by a Militia Man having a Wife or Family in a State of Indigence.

1. Where the Wife is living.

I A.B., a militia man serving in [specify the corps] do declare that C.D. is my lawful wife, and has been so since the day of , and that I have by the said C.D. [one, two, or more children, as the case may be] under the age of ten years [specifying the name and age of each child], and that the said C.D. resides (with such child or children) in the parish of [name of parish] and is unable to support herself [and such child or children] by reason that [state the reason]; and [if a substitute] that I had not more than two lawful children born in wedlock at the time I was produced to be enrolled: And these things I the said A.B. do solemnly aver and declare to be true.

Dated this day of

A.B.

2. Where the Wife is dead, leaving a Child or Children.

I A.B., a militia man serving in [specify the corps] do declare that C.D. deceased lately residing [specify where] was my lawful wife, and that we were married persons since the day of , and that I have by the said C.D. [one, two, or more children under the age of ten years, specifying the name and age of each child], and that such child or children reside with [specify with whom they reside] at [specify the place], and that such child or children are unable to support themselves by reason that [state the reason]; and [if a substitute] that I had not more than two lawful children born in wedlock at the time I was produced to be enrolled: And these things I the said A.B. do solemnly aver and declare to be true.

Dated this day of

A.B.

SCHEDULE (B.)

CERTIFICATE by Commanding Officer.

1. Where the Militia Man is not a Substitute, Hired Man, or Volunteer, or, being a Substitute, Hired Man, or Volunteer, was married previous to the Time at which he was called out to actual Service.

I E.F., commanding the [specify the regiment] do certify that upon the day of A.B., a militia man serving in the said regiment for the parish of in the county or stewartry of [specify whether a ballotted man or a substitute, hired man, and, if a substitute, for whom serving, and for what parish or place], came before me, and made the declaration hereunto annexed. Witness my hand this day of

E.F.

2. Where the Militia Man, being a Substitute, Hired Man, or Volunteer, was married subsequent to the Time at which he was called out into actual Service.

I E.F., commanding the [specify the regiment], do certify that upon the day of A.B., a substitute, hired man, or volunteer [as the case may be], serving in the said regiment for the parish of in the county [or stewartry] of , was married upon the day of with the consent of [specify name] then commanding officer of the said regiment (certified under the hand of the said commanding officer previous to the marriage) to [specify the name of the wife, and the parish or place where she now resides]: And I further certify that the said A.B. came before me and made the declaration hereunto annexed. Witness my hand this day of .

E.F.

SCHEDULE (C.)

CERTIFICATE by the MINISTER, KIRK SESSION, COMMISSIONERS of SUPPLY, or other PERSON.

WE A.B., minister of the parish of , and C.D., E.F., and G.H., members of the kirk session thereof, do hereby certify that in consequence of a declaration and certificate transmitted to the said minister,

pursuant to an Act passed in the forty-ninth year of the reign of his present Majesty, intituled [here insert the title of this Act], we did enquire into the situation of [mention wife or children] and found her [or them] to be unable to maintain herself [or themselves] by reason [state the reason], and we also enquired whether the wife had departed from her home or place of residence specified in the said declaration, and found that she had not done so (or that she had done so with the permission and upon a certificate thereof in the manner provided by the said Act), and we reported these things to [mention name of justice, heritor, person, or magistrate], of which he also satisfied himself. In witness whereof the said [justice, heritor, person, or magistrate] has with us set his hand hereto this day of .

Where the wife or children shall be enabled to maintain themselves with a smaller allowance than the full rate, then after the reason of inability these words will follow:—"But we found that upon receiving an allowance of per week such wife or children will be able to maintain themselves."

SCHEDULE (D.)

ORDER to be made by a JUSTICE of the PEACE for PAYMENT of ALLOWANCES.

I A.B., one of his Majesty's justices of the peace for the county [or stewartry] of , in consequence of a certificate produced to me, of which a copy is annexed, do hereby order [mention name of kirk treasurer or minister and kirk session], of the parish of [mention parish], to pay to the therein named [mention name of wife or children] a weekly allowance of to the said wife and for each of the said (children). For which this order shall be a sufficient authority. Witness my hand at this day of .

E.F.

SCHEDULE (E.)

AN ACCOUNT shewing the AMOUNT and RATE of ASSESSMENTS made this Day of pursuant to Act Forty-ninth George III., Cap.

	£	s.	d.
1. For the amount of allowances paid to families residing in this county or stewartry of militia men serving for this county or stewartry - - - - -			
2. For the amount of allowances paid in other counties or stewartries [viz., specify the counties] to families therein residing of militia men serving for this county or stewartry - - - - - -			
3. For the amount of allowances for trouble and charges in terms of the Act - - - - -			
1. To officers, specifying to whom - -			
2. Charges incurred by them - - -			
£			

1. Amount of valued rent within the county [or stewartry] - - - - - £
2. Amount of rents of houses - - - £

Rate of Assessment:
on each 100*l.* of valued rent - - -
in the pound of rent or yearly value of houses, according to the latest assessment for the house tax - - - - -

£

SCHEDULE (F.)

REGISTER of SUBSTITUTES, HIRED MEN, and VOLUNTEERS belonging to the REGIMENT of [describe the Regiment] married with the Consent of the Colonel or Commanding Officer.

Name of Substitute, &c.	For what Parish serving.	Name of Woman.	Where then residing.	Date of Certificate.	Commanding Officer by whom granted.	Date of Marriage.

SCHEDULE (G.)

REGISTER of DECLARATIONS made by MILITIA MEN serving in the REGIMENT [describe the Regiment] and of Certificates granted by the Commanding Officer, to enable their Wives and Families to receive the Allowances granted by Act 49 Geo. III. Cap. .

Name of Declarant.	Parish for which serving.	Name of Wife.	Name of their Child or Children under 10 years.	Where residing.	Date of Certificate.	To whom transmitted.	When transmitted.

CHAPTER XCI.

AN ACT to empower the Judges to try Civil Causes in their own Counties in England. [10th June 1809.]

8 Ric. 2. c. 2.

WHEREAS by a statute made in the eighth year of the reign of King Richard the Second it is among other things enacted that no man of law shall from thenceforth be justice of assizes in his own country: And whereas by an Act made in the thirty-third year of King Henry the Eighth,

33 Hen. 8. c. 24.

intituled "An Act that none shall be justice of assize in his own country," it is enacted, that no justice nor other man learned in the laws of this realm shall use nor exercise the office of justice of assize within any county where the said justice was born or doth inhabit: And whereas a compliance with the aforesaid provisions has been attended with very great inconveniences: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful from time to time and at all times hereafter to and for the chief justice and justices of either bench, and to and for the chief baron and other barons of the Court of Exchequer, and to and for any other person or persons learned in the law, who shall be appointed justice or justices of assize in any county or counties within that part of Great Britain called England, to use and exercise the office or offices of justice or justices of assize, and to act under any commission of nisi prius in any such county or counties, notwithstanding they or any of them shall have been born or do inhabit within any such county or counties; and that they shall not be liable for so doing to any forfeiture or penalty whatsoever, anything in the said recited laws or either of them, or any other law, custom, or usage to the contrary in anywise notwithstanding.

Justices of either bench or barons of the Exchequer, or other persons appointed justices of assize, may exercise the office in any county although they were born or do inhabit therein.

CHAPTER CI.

AN ACT to regulate the Fees payable by Persons charged with Treason, Felony, and all other Offences at Assizes and Quarter Sessions in Ireland, and for amending an Act of the Parliament of Ireland made in the Thirty-sixth Year of His present Majesty relating thereto. [15th June 1809.]

WHEREAS great inconvenience results from the uncertainty and difference in the several counties of Ireland as to the rates of fees payable on criminal prosecutions, and the several other matters relating thereto, before the judges of assize and the chairman and other justices at sessions, and great mischief has arisen for want of the same being regulated and duly ascertained: And whereas great benefit would accrue from the due regulation thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no other or higher fees than those enumerated in the schedule herein-after set forth shall henceforward be payable on criminal prosecutions or any other matter or thing relating thereto in any county, county of a city, county of a town, or other place in that part of the United Kingdom of Great Britain and

The fees payable on criminal prosecutions to be according to the following table.

Ireland called Ireland, to any of the officers therein mentioned; that is to say: [*]

	£	s.	d.
[To the clerk of the crown or his deputy, for each person that shall be indicted and tried for high treason - - -	2	13	4]
[To the same, for each person that shall be indicted and tried for petty treason or murder - - - - - -	1	13	4]
[To the same, for each person that shall be indicted and tried for felony or other offence - - - - - -	1	6	—]
[To the same, for each person whose trial shall be postponed to a subsequent assizes, or other time for opening and holding a fresh commission of assizes or oyer and terminer, half the fees that he is hereby entitled to charge on the foregoing offences; and in case the person charged by the indictment shall postpone his trial, he is to pay the same himself; and in case the trial shall be postponed by the crown or prosecutor, then the said half fees are to be presented off the county at large, in the same manner that the fees of the prisoners acquitted are made payable as hereafter mentioned.			
[To the same, for each person that shall be ordered to enter into recognizance, whether to attend at a subsequent assizes or commission, or to be of the peace and good behaviour -	—	7	9]
[To the same, on receiving every burning, houghing, maiming, or other petition - - - - - - - -	—	5	—]
With a further fee of six shillings in case he shall be required to draw and prepare the same.			]
To the same, for filing every affidavit that shall be sworn in relation to criminal business - - - - - -	—	6	—
To the same, for making out and attesting every copy of such affidavit - - - - - - - - -	—	6	—
To the same, for every crown summons in which the parties may insert the names of four witnesses, requiring their attendance to give evidence on any of the matters relating to criminal prosecution - - - - - - - -	—	3	4
To the same, for every bench warrant or crown capias, in which the names of all the persons charged in the indictment that have not appeared or been tried shall be inserted - -	—	3	4
To the same, for every certificate that may be required of him in relation to crown business - - - - - -	—	3	4
To the same, for the copy of the entry of each indictment which he is by law authorised to furnish - - - - -	—	3	4
To the same, for each copy of an examination which he is by law authorized to furnish - - - - - -	—	6	8
To the same, for the copy of each indictment that he is by law authorized to furnish - - - - - -	—	6	8

[* Section 1., as to the items enclosed in brackets, is rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1872 (No. 2).]

	£	s.	d.
To the same, for every search he is required to make amongst his records in relation to crown business - - -	—	2	2
]To the clerk of the peace or his deputy, for each person that shall be indicted and tried at the general sessions, or any adjournment thereof, whether for felony or other offence -	1	6	8[
]To the same, for each person whose trial shall be postponed -	—	5	—[
The same to be paid by the person charged in the indictment, if he postpones his trial; and if the court or prosecutor postpones the trial, to be paid by presentment, in like manner as the fees of persons acquitted.			
]To the same, for each person that shall be ordered to enter into recognizance, whether for good behaviour or otherwise -	—	7	6[
To the same, for filing every affidavit that shall be sworn in relation to crown business - - - - - -	—	6	8
To the same, for making out a copy, and attesting every such affidavit - - - - - - - - -	—	3	4
To the same, for every crown summons in which the parties may insert the names of four witnesses - - - - -	—	5	—
To the same, for every bench warrant in which the names of all the parties named in the indictment that have not appeared or stood their trials are to be inserted - - -	—	3	4
To the same, for every certificate in relation to crown business only - - - - - - - - -	—	3	4
To the same, for every copy of an indictment - - -	—	3	4
To the same, for every copy of the entry of such indictment in crown book - - - - - - - -	—	3	4
To the same, for every copy of an examination - - -	—	1	8
To the same, for every search he shall be required to make amongst his records in relation to crown business - -	—	1	8
]To the sheriff or under sheriff, for each person that shall be indicted and tried at either assizes or sessions - -	—	6	—[
]To the same, for each person whose trial shall be postponed, payable under the same terms as before mentioned, relative to clerks of the crown and peace and their deputies - -	—	3	4[
]To the gaoler, for each person that shall be indicted and tried at either assizes or sessions - - - - - -	—	3	4[
]To the same, for each person whose trial shall be postponed, payable as before mentioned with respect to clerks of the crown and the other officers before mentioned - - -	—	1	8[
]To the same, for the copy of each committal and search -	—	1	7[
]To the cryer attending assizes or sessions, for each person that shall be indicted and tried - - - - - -	—	2	6[
]For each person whose trial shall be postponed, payable as before mentioned, with respect to the other officers - - -	—	1	3[
]To the same, for every recognizance that shall be entered into at assizes or sessions, and the affidavits annexed thereto - -	—	1	7[
]To the same, for every other affidavit that shall be sworn in court relating to crown business - - - - - -	—	1	—[

Penalty on taking higher fees, 10*l.*

II. AND be it further enacted, that if any clerk of the crown, clerk of the peace, or any of their deputies, [sheriff or under sheriff, gaoler or under gaoler, or turnkey, or crier at assizes or sessions [a], or other person acting under them or any of them shall demand, take, or accept any other or higher fee than the sum or sums stated and set forth in the foregoing schedule for the several matters and things therein contained and specified, or for or on account of any other matter or thing whatsoever relating thereto, each and every such person so offending shall for each and every such offence forfeit the sum of ten pounds sterling, to be recovered in any of his Majesty's courts of record in Dublin by action of debt, bill, or plaint, in which no essoign, protection, or wager of law, or more than one imparlance shall be allowed, or by civil bill, to be heard and determined by the assistant barristers at the sessions of the peace in such counties as the said offences shall be committed.

Grand juries to present for fees in lieu of those of persons tried and acquitted without fees.

[III. AND be it further enacted, that it shall and may be lawful to and for the several grand juries throughout Ireland, at each assizes, to present for the several clerks of the crown and clerks of the peace, or their deputies, sheriffs, or under sheriffs, gaolers, and cryers, in lieu of the fees of such persons as shall be indicted, tried, acquitted, and discharged, without fees, at or between each assizes, any sum they shall think reasonable and fair, in lieu of such fees as they have been heretofore accustomed to demand and receive for the same, not exceeding such amount as shall be ascertained, according to the rates in this Act allowed, by the affidavit of such clerk of the crown, clerk of the peace, or other officer herein-before mentioned, the same to be sworn before the respective judges of assize; and which presentments so made by the said grand juries the several judges of assize shall and may order to be fiated, notwithstanding any law or usage to the contrary.[a]]

No fees to be paid in cases of acquittal on account of any defect in the indictment to the persons responsible for the defect.

[IV. PROVIDED always, and be it enacted, that in all and every case where any prisoner or prisoners shall be acquitted on account of or by reason of any informality, error, or defect in any indictment whereon any prisoner or prisoners shall be tried, no fee whatever shall be paid to or presented by the grand jury for such clerk of the crown, clerk of the peace, or any of their deputies who shall have prepared such informal or erroneous indictment for or on account thereof, or of any prisoner that shall be discharged therefrom, provided that the judge of assize, chairman, or assistant barrister at sessions shall certify that such acquittal or acquittals was or were occasioned by informality, want of form, or other defect in the indictment on which such prisoner or prisoners was or were acquitted and discharged.[a]]

* * * * * * * * *

[a] The words in section 2 enclosed in brackets, and sections 3, 4., are rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1872 (No. 2).]

CHAPTER CX.

AN ACT to rectify a Mistake in an Act made in this Session of Parliament, for continuing and making perpetual several Duties of one Shilling and Sixpence on Offices and Employments. [15th June 1809.]

49 Geo. 3. c. 32.

WHEREAS an Act passed in the present session of Parliament, intituled "An Act for continuing and making perpetual several duties of one "shilling and sixpence, repealed by an Act of the last session of Parliament, "on offices and employments of profit, and on annuities, pensions, and stipends, "and thereby granted for one year, to the 25th day of March one thousand "eight hundred and nine": And whereas the duty of sixpence charged in the said recited Act for and upon all salaries, fees, and wages payable for and in respect of offices of profit granted by or derived from the crown, which before the passing of the said recited Act had been rated or assessed in manner therein aforesaid, and for and upon all pensions and annuities charged upon the revenue of Great Britain, over and above all other duties before the passing of the said recited Act charged or payable, is chargeable and ought to have been charged for every twenty shillings of the yearly value or amount thereof respectively: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said duty of sixpence in the said recited Act and the schedule thereto annexed mentioned is and shall be charged and chargeable for every twenty shillings of the yearly value or amount of all such salaries, fees, and wages payable for or in respect of offices of profit granted by or derived from the crown, which before the passing of the said recited Act were rated or assessed in manner therein mentioned, and for and upon all pensions and annuities charged upon the revenue of Great Britain, over and above all other duties before the passing of the said recited Act charged and payable.

The duty of sixpence in the recited Act mentioned shall be charged for every twenty shillings of the yearly value of all salaries, &c.

CHAPTER CXX.

AN ACT for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland. [19th June 1809.]

WHEREAS it is expedient that the laws now in force for raising and training the militia of Ireland should be repealed, and that new provisions should be made for the same; . . . . . .

Number of regiments and battalions for each county and county of city.

II. AND be it further enacted, that the several regiments or battalions of militia in Ireland shall respectively be as follows; that is to say, there shall be for the county of Cork two regiments, each of eight companies; for each of the counties of the cities of Cork and Dublin, one regiment of eight companies; for each of the counties of Tyrone, Galway, Londonderry, Tipperary, Donegal, and Wexford, one regiment of ten companies; for each of the counties of Antrim, Meath, Waterford, county and county of city, Kerry, Monaghan, Armagh, King's County, Limerick, Kilkenny, county and county of city, and Roscommon, one regiment of eight companies; for the county of Mayo two battalions, each of seven companies; for each of the counties of Clare, Queen's

County, Wicklow, Westmeath, Leitrim, Cavan, Sligo, Fermanagh, Dublin, Longford, Kildare, and Carlow, one battalion of six companies; for the county of the city of Limerick, one battalion of six companies; for the county of Louth (including the county of the town of Drogheda) one regiment of nine companies; and for the county of Down two battalions of six companies.

Lord lieutenant and council may augment regiments not having ten companies.

III. PROVIDED always, and be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, by and with the advice of his Majesty's Privy Council in Ireland, from time to time, taking into consideration the number of men fit and liable to serve in the said militia in any county or county of a city which by this Act is required to raise any regiment or battalion consisting of less than ten companies, and also taking into consideration the proportion which such number of men shall bear to the numbers of such men in other counties or counties of cities, to order that any regiment or battalion consisting of less than ten companies shall be augmented by increasing the number of companies therein respectively; so always that no battalion consisting of six companies nor any regiment consisting of eight companies shall be augmented by more than two companies; and that no battalion of seven companies nor any regiment of nine companies shall be augmented by more than one company; and that every such company so to be added shall contain and consist of the same number of officers, non-commissioned officers, drummers, and privates respectively as the other battalion companies of the same regiment or battalion shall from time to time consist of; and that the men of such companies shall be raised in like manner as the men of the other companies of such regiment or battalion.

Appointment of colonels by lord lieutenant to each regiment, &c.

IV. AND be it further enacted, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland from time to time, as occasion shall require, to appoint a colonel for every such regiment or battalion of militia in Ireland: . . . . . [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Other officers of regiments and companies.

V. AND be it further enacted, that the other officers of the several regiments and battalions of militia aforesaid, according to the ordinary establishments hereafter mentioned, shall be as follows respectively; that is to say, one lieutenant colonel and one major to each regiment or battalion, and one captain, one lieutenant, and one ensign to each battalion company: Provided also, and it shall be lawful for every battalion to have one company of grenadiers or light infantry, to which, instead of one lieutenant and one ensign, two lieutenants shall be appointed; and it shall be lawful for every regiment to have one company of grenadiers, and also one company of light infantry, to each of which companies, instead of one lieutenant and one ensign, two lieutenants shall be appointed.

Grenadiers and light infantry.

Ordinary establishment sixty-five privates, &c.

VI. AND be it further enacted, that the ordinary establishment of each company in the said militia shall be sixty-five privates, four serjeants, five corporals, and two drummers; and that in each regiment or battalion there shall be two staff serjeants, that is to say, a serjeant-major and a quartermaster serjeant, and also a drum major, and two fifers, over and above the said serjeants, corporals, drummers, and privates directed for each company; and that to each regiment or battalion there shall be one adjutant, one paymaster, one quartermaster, one surgeon, and one assistant surgeon; and to each and every regiment whose establishment shall be one thousand rank and file, or more, there shall be two assistant surgeons.

Additional drummers and fifers.

VII. AND be it further enacted, that in case the colonel of any regiment or battalion of the said militia shall be desirous of keeping up a greater number of drummers than two per company to be employed as fifers or musicians for the use of the said regiment or battalion, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for such colonel to retain in such regiment or battalion any number of the drummers who shall be employed as fifers or musicians therein over and above the number of two drummers per company established by this Act, and at any time hereafter to engage any additional number of drummers to act as fifers or musicians accordingly; and all such drummers so retained, or in future engaged to serve in any such cases as fifers or musicians, shall be deemed drummers of militia to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers of militia shall by law from time to time be subject to, and shall continue to serve as drummers so long as they shall receive the same pay and clothing as other drummers have, or better pay and clothing in lieu thereof and no longer.

* * * * * * * * *

Colonels shall appoint officers.

X. AND be it further enacted, that it shall be lawful for every colonel of the said militia, when appointed, from time to time to appoint the number aforesaid respectively of lieutenant colonels, majors, adjutants, paymasters, surgeons, quartermasters and assistant surgeons, and all other officers for his regiment or battalion, ... [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

* * * * * * * * *

Commanding officers shall have chief command of regiments, and not governors of counties, &c.

XII. AND be it further enacted, that the commanding officer for the time being of each regiment or battalion of the militia in Ireland shall have the chief command of such regiment or battalion, notwithstanding any order, direction, matter, or thing contained in any commission or appointment of a governor or governors of any county in Ireland.

* * * * * * * * *

In the absence of colonel, his powers shall vest in the next in command.

XIV. AND be it further enacted, that when any colonel of any regiment or battalion of militia shall be absent from the United Kingdom, all powers which shall from time to time be given by law to such colonel, whether in filling vacancies in such regiment or battalion or in any other way whatsoever, shall be vested in and lawfully may be exercised by the next officer in command in such regiment or battalion who shall be residing within the United Kingdom, until such colonel shall be returned to the United Kingdom, and shall have notified his arrival to the officer entitled to exercise the said powers during his absence; and all acts, matters, and things done by such officer next in command as aforesaid in exercising the powers legally vested in colonels shall be good and valid in the law equally as if they had been done by the colonel himself.

* * * * * * * * *

Appointment of adjutants.

XXI. AND be it further enacted, that every adjutant to be appointed as aforesaid shall be a person who shall have actually served in some of his Majesty's regular forces for the space of three years, or in the embodied militia for five years, or for such time in the embodied militia as together with his service in the regular forces shall in the whole make five years; and if such adjutant shall be appointed out of his Majesty's other forces, he shall

during his service in the militia preserve his rank in the army in the same manner as if he had continued in that service; and it shall be lawful for the colonel of any regiment or battalion of militia to appoint the adjutant of such regiment or battalion to the rank of captain by brevet, provided such adjutant has served five years as adjutant in the militia, or in his Majesty's other forces, ... : Provided always, that no such appointment to the rank of captain shall be valid, unless in the instrument granting the same it be specified in what regiment or battalion, and whether of the militia or of his Majesty's other forces, such adjutant hath served, and what was or were the date or dates of his commission or commissions: Provided also, that no adjutants so appointed to the rank of captain shall by the date of such appointment as aforesaid or otherwise be entitled to rank above or to command any captain of a company in the militia.

Surgeons of county hospitals, &c. disqualified as surgeons of militia.

XXII. AND be it further enacted, that . . . . . no person who is or shall be surgeon of a county hospital or infirmary established by Act of Parliament shall be capable of serving in the militia while he continues surgeon of such hospital or infirmary.

Adjutant, paymaster, &c. shall not hold any other commission.

XXIII. AND be it further enacted, that no person who at any time after the commencement of this Act shall be appointed adjutant, paymaster, surgeon, quartermaster, or assistant surgeon in the said militia shall be capable of holding any commission in the said militia, save and except the commission of adjutant, paymaster, surgeon, quartermaster, or assistant surgeon respectively; and that no officer holding any commission in the said militia shall be capable of being appointed adjutant, paymaster, surgeon, quartermaster, or assistant surgeon.

Officers holding commissions shall not be appointed adjutants, &c.

Appointment of serjeants, &c.

XXIV. AND be it further enacted, that all staff serjeants, serjeants, corporals, drummers and fifers shall and may from time to time be appointed by the colonel of the regiment or battalion; and that all staff serjeants, serjeants, corporals, drummers and fifers may be discharged by such colonel from time to time; and that all staff serjeants, serjeants, corporals, drummers and fifers who shall at any time have received any pay as such from any regiment or battalion shall be deemed to be engaged, and be compellable to serve in such regiment or battalion until they shall be discharged by the colonel of the regiment or battalion to which they shall respectively belong.

* * * * * * * * *

Serjeants major and drum major.

XXVI. AND be it further enacted, that the colonel of any regiment or battalion of the said militia may appoint the serjeant major and the quartermaster serjeant out of the serjeants, and the drum major out of the drummers.

Adjutants, &c. shall be always subject to the Mutiny Act.

XXVII. AND be it further enacted, that every adjutant, paymaster, surgeon, serjeant major, quartermaster serjeant, serjeant, corporal, drum major, and drummer of the said militia shall be at all times subject to any Act which shall be in force for punishing mutiny and desertion and for the better payment of the army and their quarters, and the Articles of War, under the command of the colonel of the regiment or battalion to which he belongs.

* * * * * * * * *

Serjeants, &c. shall not keep public-houses.

XXIX. PROVIDED always, and be it enacted, that no person who shall keep any house of publick entertainment, or who shall sell any ale, or wine, or spirituous liquors by retail, shall be capable of being appointed or serving as a serjeant, corporal, or drummer in the militia; nor shall any serjeant, corporal,

Militia men shall not be peace officers, &c.

drummer, or private of the militia, while he shall continue such, be compelled to serve as a peace officer or a parish officer, or to serve in any of his Majesty's sea forces.

Courts martial on serjeants, &c. while militia is not embodied.

XXX. AND be it further enacted, that it shall be lawful for the colonel of any regiment or battalion of the said militia, or in his absence the officer actually in command of such regiment or battalion, to direct the holding of courts martial as herein-after directed for the trial of any serjeant major, serjeant, corporal, drum major, or drummer of such regiment or battalion by a regimental court martial for any offence against this Act or against the Articles of War committed during the time such regiment or battalion shall not be embodied, but so that no punishment thereon shall extend to the loss of life or limb; and it shall be lawful for the colonel of the regiment or battalion to which the person on whom such court martial is to be held shall belong to order any officers of the militia of the county, county of a city or town or place to which such regiment or battalion shall belong, actually resident within the town where such serjeant major, serjeant, corporal, drum major, or drummer is to be tried, or within fifteen miles thereof, to attend and assist as members of such court martial, who shall thereupon attend at the time required and assist accordingly; but no officer shall be entitled to receive pay for any such attendance: Provided always, that no sentence of any court martial held as aforesaid on any serjeant major, serjeant, corporal, drum major, and drummer shall be put in execution until it shall have been confirmed by such colonel or commanding officer.

Serjeants, &c. may be reduced to the ranks.

XXXI. AND be it further enacted, that any serjeant, corporal, or drummer of the militia may, by sentence of a court martial or by order of the colonel of the regiment, be reduced to the condition of a private militia man, and such person so reduced shall be bound to serve as such private militia man for any time not exceeding fifteen months, in case the regiment or battalion to which he belongs shall not be then embodied or called out in actual service; and in case the regiment or battalion to which he belongs shall be then embodied or called out into actual service, such person so ordered shall be bound to serve as aforesaid until the disembodying of the said regiment or battalion; and that after the expiration of the time during which such serjeant, corporal, or drummer shall be so bound to serve as a private man, such serjeant, corporal, or drummer, if not regularly re-appointed to the rank of a non-commissioned officer or drummer, shall be discharged from the service.

Militia officers, shall not sit on courts martial on regulars, &c., nor contrariwise.

XXXII. AND be it further enacted, that no officer serving in the militia of Ireland shall sit in any court martial upon the trial of any officer, non-commissioned officer, or soldier serving in any of his Majesty's other forces, nor shall any officer serving in his Majesty's other forces sit in any court martial upon the trial of any officer, non-commissioned officer, or private man serving in the said militia: Provided always, that any colonel or officer serving in the said militia, and at the same time holding a commission in any other of his Majesty's forces on the half-pay thereof, may sit upon any court martial upon the trial of any officer, non-commissioned officer, or private in his Majesty's other forces, anything herein-before contained to the contrary notwithstanding.

Exception.

Militia commission vacated by accepting

XXXIII. AND be it further enacted, that the acceptance by any officer of the said militia, except the colonel, of any commission in any of his Majesty's

regular forces shall, from the date of such commission so accepted, absolutely vacate any commission such officer may hold in the militia of Ireland. one in the regular forces.

XXXIV. AND be it further enacted, that the acceptance of any commission in any regiment or battalion of the said militia shall not nor shall be construed to vacate the seat of any member returned to serve in Parliament. Militia commission shall not vacate seat in Parliament.

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XXXVI. AND be it further enacted, that any person being a serjeant, letterman, or other pensioner on the establishment of Kilmainham or Chelsea Hospitals at the allowance of such hospitals or either of them, and being appointed to serve in the militia, shall and may receive the said hospital allowance, together with his pay from the said militia; and any person who shall have faithfully served as a serjeant or as a corporal or drummer in the said militia for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the commanding officer of the regiment or battalion to which he belongs, be entitled to examination at the Kilmainham board, and be capable to be placed on the pension of such hospital, if the said board should judge him deserving thereof: Provided always, ... that any serjeant, letterman, or other pensioner on the establishment of Chelsea Hospital who at any time after the passing of this Act shall voluntarily enter into the militia of Ireland shall be placed on the establishment of the Royal Hospital of Kilmainham from the day of his having entered into such militia, and shall from such day and during his continuance in the said militia receive such pension, and no more, as a pensioner of the like class on the establishment of Kilmainham Hospital shall be entitled to receive, as if he had been originally on that establishment, and not on the establishment of Chelsea.

Pensioners serving in militia shall receive both pay and allowance.

Serjeants, corporals, and drummers discharged for age or infirmity after twenty years service in the militia, on being recommended, may be placed on Kilmainham pension.

Chelsea pensioners entering militia shall be entitled to Kilmainham pensions only.

XXXVII. AND be it further enacted, that all muskets, bayonets, swords, stores, and accoutrements delivered for the service of the said militia shall be marked in some distinct place with the letter (M) and the name of the county to which they belong.

Arms shall be marked.

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[XXXIX[a]. AND be it further enacted, that when the said militia shall not be drawn out into actual service, the several regiments and battalions thereof shall, unless the lord lieutenant or other chief governor or governors of Ireland for the time being shall order the contrary, be respectively trained and exercised in their respective counties once in every year, for twenty-eight days together, in the manner herein-after directed, at such time and place as shall be the least inconvenient to the publick; such time and place to be appointed by the governor, or where there are more governors than one of any county, then by the governors of each county respectively, at a general meeting to be holden at their usual place of meeting respectively within such county, upon the Tuesday that shall happen next before the twenty-fourth day of October in every year, or at such other place therein, and at such time as shall be appointed by such governor or governors, or in default of any such meeting or appointment, then at such time and place as shall be appointed by three or more deputy governors of such county; and during such time as the

Militia shall be called out in their counties for annual exercise when not embodied;

[a] Rep., so far as relates to the length of time, and the appointment of the time and place for training and exercise, Stat. Law Rev. Act, 1872 (No. 2).]

and while called out shall be subject to the Mutiny Act.

several regiments or battalions of the said militia shall be assembled respectively for the purpose of being trained and exercised, all the clauses, provisions, matters, and things contained in any Act of Parliament which shall be then in force for the punishing mutiny and desertion shall be in force with respect to the said militia, and all the officers and private men of the same, in all cases whatsoever, but so that no punishment shall extend to loss of life or limb.

Notice of time and place of exercise shall be sent by clerk of general meetings to chief constable of barony, and by him to constables of parishes, to be affixed to church doors.

XL. AND be it further enacted, that notice of the time and place of the exercise of the militia men of each parish shall be sent by the clerk of the general meetings to the chief or high constable or other officers of the several baronies or other divisions, with directions to forward the same to the constables or other officers within their respective baronies or other divisions; which constables or other officers shall cause such notice as aforesaid to be affixed on the outside of the doors of the church belonging to their respective parishes or places; or if any place has no church belonging thereto, on the outside of the doors of the church of some adjoining parish or place; and all such militia men shall duly attend at the time and place of exercise according to such notice. . . . . .

Subdivision clerks shall send lists of persons enrolled to colonels, &c.

XLI. AND be it further enacted, that the clerks of the several subdivision meetings in every county shall, ten days at least before the time so appointed for the annual exercise, cause a full and true list, specifying the names and dates of the enrolment of all the persons enrolled within each subdivision respectively to serve in such regiment or battalion, to be transmitted to the commanding officer of such regiment or battalion, or to such person as shall be appointed by such commanding officer to receive the same, and shall in like manner cause a duplicate of such list to be transmitted to the adjutant of such regiment or battalion.

Penalty on militia men not appearing, or deserting, &c.

XLII. AND be it further enacted, that every militia man, not labouring under any infirmity incapacitating him, who shall not appear at the time and place appointed for annual exercise according to the directions of this Act, notice having been published as this Act requires, shall be deemed a deserter, and if not taken until after the time of such exercise shall forfeit and pay the sum of ten pounds; and also every militia man who having joined the regiment or battalion to which he belongs shall desert or absent himself during the time of annual exercise, and shall not be taken till after the time of such exercise, shall forfeit and pay the sum of ten pounds; and if in either case such penalty shall not be immediately paid, the justice of the peace before whom any such militia man shall be convicted of any such offence shall commit such militia man to the common gaol, there to remain without bail or mainprize for the space of six months, or until he shall have paid the penalty. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Penalty on harbouring deserters.

XLIII. AND be it further enacted, that if any person shall harbour, conceal, or assist any such deserter, knowing him to be such, the person so offending shall forfeit for every such offence a sum not exceeding twenty pounds and not less than five pounds.

Penalty on selling, &c. arms.

XLIV. AND be it further enacted, that in case any militia man shall sell, pawn, or lose any of his arms, clothes, or accoutrements, or neglect or refuse to return the same in good order to his captain, or to the person appointed to receive the same, every such militia man shall for every such offence forfeit and pay a sum not exceeding five pounds.

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Colonel shall make a return to chief secre-

XLVI. AND be it further enacted, that the colonel or other commanding officer of every regiment or battalion of the said militia shall and he is hereby

required, as often as the regiment or battalion shall be so called out to annual exercise, to return to the chief secretary of the lord lieutenant or other chief governor or governors of Ireland for the time being a true state of such regiment or battalion; and in case any such colonel or commanding officer shall refuse or neglect for one month after the said annual exercise so to do, he shall for every such offence forfeit and pay the sum of one hundred pounds.

tary of the state of the regiment when called out to exercise.

Penalty for neglect.

XLVII. AND be it further enacted, that when any regiment or battalion of militia shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages not exceeding sixpence per day, for the purpose of providing them with linen, and also with stockings and other necessaries, and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: Provided always, that every such captain or commanding officer shall account with each militia man for such stoppage, and after deducting what shall have been laid out and paid for necessaries and for repairing the arms as aforesaid shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before such militia man shall be dismissed from such training and exercise.

Militia men when assembled for training may be put under stoppages for certain purposes.

XLVIII. AND be it further enacted, that it shall be lawful for all mayors, sovereigns, bailiffs, burgomasters, seneschals, constables, and the chief and other magistrates and officers of cities, towns, parishes, and places, and (in their default or absence) for any justice of the peace inhabiting within or near any such city, town, parish, or place, and they and he are and is hereby required, to quarter and billet the officers, non-commissioned officers, and private men serving in the said militia at the times when they shall be called out to any exercise, as by law they may billet his Majesty's other military forces; and when the said militia is not called out for exercise or embodied, all mayors, and other chief and other magistrates and officers aforesaid, or (in their default or absence) any one justice of the peace as aforesaid, may and they and he are and is hereby required to billet as aforesaid all serjeants, corporals, and drummers of the militia.

Billeting militia when called out to exercise, and serjeants, corporals, &c., at other times.

XLIX. AND be it further enacted, that when the said militia shall be called out to be trained and exercised, any justice of the peace of any county (being thereunto required by an order from the governor or governors, or any of them, or from any deputy governors of such county, or from the colonel or other commanding officer of the regiment or battalion of militia of such county or any detachment thereof, being within such county) shall issue his warrant to the chief or high constables of baronies, or to constables or other officers of the several parishes or places from, through, or near to which any such regiment, battalion, or detachment of militia shall be ordered to march, requiring them to provide such sufficient horses and carriages to convey the arms, clothes, accoutrements, and stores, with able men to drive the said horses and carriages, as shall be mentioned in such order; and in case such sufficient horses, carriages, and men cannot be provided within any such county, barony, parish, or place, then any justice of the peace for the same or any adjoining county shall upon such order as aforesaid being shewn unto him issue his warrant to the chief or high constable or constables, or other such officers of any barony or place within the same county or within such adjoining county or place, for

Providing carriages, &c.

the purposes aforesaid, to make up such deficiency of horses, carriages, and men; and such governor, deputy governor, or colonel or other commanding officer requiring such carriages and men to be provided as aforesaid shall at the same time pay to every such chief or high constable or other officer, for the use of the person or persons who shall provide such carriages and men, such respective rates and sums as shall be payable for carriages and men in like cases under any Act which shall be in force for the punishment of mutiny and desertion and the better payment of the army and their quarters, for which respective sums every chief or high constable or other officer receiving the same is hereby required to give a receipt to the person paying the same; and every such chief or high constable, constables, or other officers shall order and appoint such person or persons having horses and carriages within their respective baronies or places as they shall think proper to provide and furnish such horses, carriages, and men according to the warrant aforesaid; and every person so ordered is hereby required to provide and furnish the same accordingly for one day's journey, and no more.

Rates of payment for carriages.

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When a militia man shall be disabled by sickness, any justice, &c. may order him relief.

LIV. AND be it further enacted, that in case any militia man shall on his march or at any place where he shall be called out to annual exercise be disabled by sickness or otherwise, it shall be lawful for any one justice of the peace of the county or place, or any mayor or chief magistrate of any city, town, or place where such man shall then be, by warrant under his hand and seal to order him such relief as such justice, mayor, or chief magistrate shall think reasonable; and the same shall be given by the collector of his Majesty's excise of the place where such militia man shall then be; and the collector giving such relief shall upon producing an account of the expences thereof, be allowed the same in his accounts, such account being first allowed under the hands of two justices of the peace.

In case of invasion, rebellion, &c. militia shall be embodied;

LV. AND be it further enacted, that in all cases of actual invasion, rebellion, or insurrection, or upon immediate danger thereof, to be signified by proclamation from the lord lieutenant or other chief governor or governors of Ireland for the time being, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to order and direct that the militia of the said several counties herein-before appointed to be raised and trained, or such parts of them as the lord lieutenant or other chief governor or governors of Ireland for the time being shall in his or their wisdom judge necessary, shall be drawn out and embodied, and that in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as the said lord lieutenant or other chief governor or governors of Ireland for the time being shall be pleased to appoint, and to direct the said forces by their respective officers into any parts of Ireland, for the repelling and prevention of any such invasion, and for the suppression of any rebellion or insurrection therein; and the officers, non-commissioned officers, drummers, and private men of the several regiments and battalions of the said militia shall, from the time of their being drawn out and embodied as aforesaid and until they shall be returned again to their respective parishes or places of abode, remain under the command of such general officers; and during such time as aforesaid all the provisions contained in any Act of Parliament which shall then be in force for punishing mutiny and desertion

and while embodied shall be subject to the Mutiny Act.

and for the better payment of the army and their quarters shall be in force with respect to the said militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the said militia in all cases whatever.

Governors of counties shall issue orders to chief constables, and they to constables, to give notice to militia men to assemble.

LVI. AND be it further enacted, that the governor or governors of every county in Ireland or any of them, or, on the death or removal of such governor or governors, or during his or their absence from the county, any three or more deputy governors, to whom any such order from the lord lieutenant or other chief governor or governors of Ireland for the time being for embodying the militia as aforesaid shall be directed, shall issue his or their order to the chief or high constables or other officers of the several baronies or other divisions within their respective counties, with directions to forward the same immediately to the constables or other officers of the several parishes and places within their respective baronies; and such constables and other officers are hereby required, upon receipt thereof, forthwith to cause notice in writing to be given to the several militia men, or left at their several places of abode within their respective parishes or places, to attend at the time and place mentioned in such order; and if any militia man so ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him from serving as a militia man) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended and punished as a deserter according to the provisions of any Acts which shall be then in force for punishing mutiny and desertion; and if any person shall harbour or conceal any such militia man when ordered out into actual service, knowing him to be a militia man, every such person shall for every such offence forfeit and pay the sum of five pounds.

Militia men not attending shall be treated as deserters under the Mutiny Act; penalty on harbouring them.

Militia when called out, shall have pay of regulars (subject to 46 Geo. 3. c. 140.).

LVII. AND be it further enacted, that from the date of the warrant of the lord lieutenant or other chief governor or governors of Ireland for the time being for drawing the militia out into actual service, the officers, non-commissioned officers, and private men of the militia shall be entitled to the same pay as the officers and private men of his Majesty's other regiments of foot receive, and no other; subject nevertheless to the provisions contained in an Act made in the forty-sixth year of his present Majesty's reign, intituled "An Act to "amend two Acts, passed in the forty-second year of his present Majesty rela-"ting to the militia of England and Scotland respectively, as to the pay of the "officers and men of the said militia"; and if any non-commissioned officer, drummer, or private man of the militia shall be maimed or wounded in actual service he shall be equally entitled to the benefit of Kilmainham or Chelsea hospitals with any non-commissioned officer, drummer, or private man belonging to any of his Majesty's other forces.

Men wounded shall be entitled to the benefit of Kilmainham and Chelsea hospitals.

When militia is embodied, colonels may appoint agents.

LVIII. AND be it further enacted, that when any regiment or battalion of militia shall be drawn out into actual service, and during the time they shall continue in actual service, the colonel thereof shall and may appoint an agent to such regiment or battalion, and shall take security from such agent.

Collector of excise shall pay to order of the colonel of any regiment ordered into actual service,

LIX. AND be it further enacted, that when the militia of any county shall be ordered out into actual service the collector of his Majesty's excise of such county or place shall and he is hereby required forthwith to pay to the order of the colonel of the regiment or battalion of militia so ordered out the sum of one guinea for the use of every private militia man belonging to his regiment

one guinea per man, and the like for recruits.

or battalion; and the said collector shall also pay to the order of such colonel the sum of one guinea for every recruit as early as may be after such recruit shall have joined his company while out in actual service as aforesaid (all which money so paid by such collectors shall be allowed them in their accounts);

Money shall be laid out and accounted for; and the remainder paid to the militia men.

and all money so received, or so much thereof as such colonel shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and before any militia man shall receive his discharge an account shall be rendered to such militia man how the said sum of one guinea hath been applied and disposed of, and the remainder of the said money, if any, shall be paid to such militia man.

Disembodying the militia.

LX. AND be it further enacted, that when the said militia or any part thereof having been drawn out into actual service as aforesaid shall be again duly disembodied, and the officers and private men thereof dismissed to return to their several places of abode, the officers, non-commissioned officers, drummers, and private men shall be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act before they were so drawn out into actual service, except as herein-after mentioned.

Militia men having served may exercise trades.

LXI. AND be it further enacted, that every person having served in the militia when drawn out into actual service, being a married man, may set up and exercise any trade in any town or place in Ireland without any let, suit, or molestation of or from any person or persons whatsoever for or by reason of exercising or using such trade, as freely and with the same provision and under the same regulations as any inhabitants of such places might or could do.

Leave of absence to vote at elections of members of Parliament.

LXII. PROVIDED always, and be it enacted, that any officer or non-commissioned officer of the militia or private militia man having voice or vote at any election to be held in Ireland for any member or members to serve in Parliament shall, if he or they shall require, have leave for a reasonable time, to be expressed in such leave, to go to and return from such election; and no such officer, non-commissioned officer, or private shall be liable to any penalty or punishment for or on account of his absence during the time expressed in such leave.

Enlistment of militia men into regular forces, void.

LXIII. AND be it further enacted, that in case any officer, serjeant, or other person shall at any time wilfully and knowingly enlist any man to serve in his Majesty's regular forces who at the time of such enlisting shall be enrolled, or ballotted, or engaged to serve in the militia, except under the provisions of any Act in force at the time of such enlisting, and especially authorizing such enlisting into his Majesty's regular forces, every such enlisting shall be deemed null and void; and in case any militia man at the time of offering to enlist as aforesaid shall deny to the officer, serjeant, or other person recruiting for men to enlist and serve in his Majesty's other forces, that he is (at the time of his offering to inlist) a militia man then actually enrolled and engaged to serve (which the said officer, serjeant, or other person is hereby required to ask every man offering to enlist in his Majesty's other forces), or shall offer himself to be enlisted and serve in any other regiment or battalion of militia,

Penalty on men enlisting.

any militia man so offending shall on conviction thereof upon the oath of one witness before any one justice of the peace be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six calendar months, over and above any

penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending shall from the day on which his engagement to serve in the militia shall end, and no sooner, belong as a soldier to such corps of his Majesty's other forces into which he shall have so enlisted, to serve therein from such day for the full period of service for which he shall have originally engaged, and which service shall commence upon the day on which he may be discharged from the militia, and not before; and if any officer, serjeant, or other person shall enlist any man belonging to the militia to serve in his Majesty's forces, knowing him to belong to the militia, or without asking him if he belongs to the militia (except under the special provisions of any such Act in force as aforesaid), every such officer, serjeant, or other person shall for every such offence forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be enrolled as a substitute in the militia, every person so offending shall forfeit and pay to the person informing of such offence the sum of ten pounds, or be committed to the common gaol or house of correction for any time not exceeding three months.

Penalty on serjeants, &c. enlisting militia men.

Penalty on soldier offering himself as a militia man.

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LXV. AND be it enacted, that for the more effectually carrying into execution the purposes of this Act it shall be lawful for the governors of the several counties and counties of cities in Ireland, or the majority of governors where there shall be more than one appointed for any county or county of a city, from time to time to appoint so many and such persons, duly qualified as herein-after mentioned, and living within their respective counties, as he or they shall think fit to be deputy governors for every county or county of a city in Ireland having a regiment or battalion of militia, the names of such persons having been first presented to and not disapproved of by the lord lieutenant or other chief governor or governors of Ireland for the time being. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Governors of counties, &c. may appoint deputy governors.

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LXXIV. AND be it further enacted, that the governor or governors of any county, or county of a city or town, or the majority of them, shall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk, if such governor or the majority of governors, where there is or shall be more than one, shall think fit, and appoint another in his room; and the deputy governors within the respective subdivisions, or the major part of those resident in any subdivision, shall also from time to time appoint a clerk for their respective subdivisions, and may displace such clerk if they or the major part of them shall think fit, and appoint another in his room: Provided always, that no clerk of the general meetings shall be appointed to be a clerk of any subdivision, and that no subdivisional clerk shall be appointed to be clerk of the general meetings.

Appointment of clerks of general meetings.

Subdivision clerks.

LXXV. AND be it further enacted, that a book shall be kept by the clerk of every subdivision, in which book all proceedings to be had under this Act or any Act relating to the said militia at every subdivision meeting shall be duly and fully entered; and in the said book the names of the governors and deputy governors present at every such subdivision meeting respectively shall be set down and specified, and at the foot of every day's proceedings such subdivision clerk shall sign his name, and every subdivision clerk shall from time to time, together with the amended lists of names herein-after mentioned, transmit to the clerk of the peace a list of the names, ages, and residence of all such persons as shall at any and every such meeting have been excused

Clerks of subdivisions shall enter proceedings in books, &c.

from serving in the said militia, together with the cause for which they were so excused; and such subdivision clerk shall also once in the year, at least ten days previous to the annual general meeting in October, transmit to the clerk of the general meetings of the county a copy of the proceedings of all the subdivisional meetings in the preceding year, signed and attested as a true copy by such clerk of such subdivision.

Payment of clerks for their attendance;

LXXVI. AND be it further enacted, that the collector of his Majesty's revenue for any county shall pay to the clerk of the general meetings the sum of five pounds thirteen shillings and ninepence for each meeting, and shall also pay to the clerks of the several subdivision meetings the sum of one pound two shillings and ninepence for each subdivision meeting, on such clerk respectively producing to such collector an order from the governor or governors, deputy governor or deputy governors, present at such meeting, or any two of them; and such payments shall be allowed in every such collector's accounts: Provided always, that no clerk of any general meeting shall be entitled to receive in any one year more than thirty guineas, nor any clerk of any subdivisional meeting more than twenty guineas from the collectors of his Majesty's revenue for his attendance at such meeting respectively, any law to the contrary notwithstanding: Provided also, that every clerk of a general or subdivisional meeting shall before he be entitled to receive any payment as aforesaid severally enter into recognizance before a justice of the peace, which recognizance every justice is hereby empowered to take, the clerk of the general meeting in the sum of fifty pounds, and the clerk of a subdivisional meeting in the sum of thirty pounds, conditioned that he shall duly and diligently attend his duty as clerk for one year from the date thereof; and that in every order to the collector of his Majesty's revenue for payment to any clerk his having entered into such recognizance shall be certified, or such order shall be void and of no effect.

not exceeding certain sums.

Clerks shall give security for performing their duty.

Presentments by juries for allowances to clerks of peace and subdivision clerks.

LXXVII. AND in order to make compensation to the clerk of the peace and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] the clerk of the subdivisional meetings for the trouble imposed on them by this Act, be it therefore enacted, that it shall be lawful for all grand juries at assizes, and for the grand juries of the county and county of the city of Dublin at presenting terms, to present to be raised off the county at large, and paid to the clerk of the peace, for his trouble in the execution of the militia laws, any sum not exceeding twenty pounds a year over and above all other sums which by law they are now empowered to present to be paid to him, and to present to be raised in like manner [Rep., Stat. Law Rev. Act, 1872 (No. 2).] and paid to such clerk of a subdivisional meeting a sum after the rate of six shillings for every one hundred names of persons contained in the amended and other lists made under the provisions of this Act for the subdivisions of which he shall be clerk.

No presentment to be made for clerk neglecting duty.

LXXVIII. PROVIDED always, and be it further enacted, that if any clerk of the peace or [Rep., Stat. Law Rev. Act, 1872 (No. 2).] clerk of the subdivision meeting shall in any county or county of a city neglect or omit to do any act which by this Act he is required to do, no presentment shall be made or fiated at any assizes in such county or county of a city, or at any term if in the county or city of Dublin, for any money to be paid to him.

General meetings of governors and de-

LXXIX. AND be it further enacted, that general meetings of the governor or governors and deputy governors of every county or county of a city or

town shall be holden in some town of every such county, and such general meetings shall consist of the governor or governors or any of them, together with one deputy governor at least, or, on the death or removal or in the absence of the governor or governors or all of them, then of three deputy governors at the least, of every county or county of a city or town respectively; and such general meetings shall be holden within every county, and within each of the said counties of the cities of Dublin, Cork, and Limerick, and of the town of Drogheda, by or under the orders of the lord lieutenant or other chief governor or governors of Ireland for the time being, in manner herein-after mentioned; and such general meetings shall also be held annually upon the Tuesday that shall happen next before the twenty-fourth day of October in every year, and when and as often as any governor or any two deputy governors as aforesaid shall find it necessary for carrying the purposes of this Act duly and fully into execution; and that such governor or deputy governors shall and may, by notice in writing to the clerk of the general meeting, summon or cause to be summoned such general meetings, on any days to be fixed by such summonses, of which places of holding such meetings respectively notice shall be given by the clerk of the general meetings in any newspaper, if any there shall be, published in such county or county of a city, fourteen days at the least before the day appointed for holding such meeting respectively.

puty governors.

First annual general meeting in October.

Other general meetings.

LXXX. AND be it further enacted, that such governors and deputy governors, or a competent number thereof, appointed at any general meeting, shall or may divide every such county into such subdivisions as they shall think most expedient for the purposes of this Act, and shall or may change the same from time to time as they shall think proper: Provided always, that the subdivisions heretofore made and established, or which before the commencement of this Act shall be duly made and established, shall remain and continue until the same shall be duly altered, as if this Act had not been made: Provided also, that it shall not be lawful for any governors or deputy governors to divide any county into any greater number of subdivisions than shall be equal to four times the number of baronies contained in such county, without the express approbation and consent of the lord lieutenant or other chief governor or governors of Ireland for the time being in that behalf obtained.

Counties to be divided into subdivisions.

LXXXI. AND be it further enacted, that subdivisional meetings of the governor or governors and deputy governors within the said subdivisions of the respective counties or counties of cities or towns shall be holden from time to time, and every such subdivisional meeting shall consist of two members at the least, and shall and may be held at such times and places within the said subdivisions respectively as shall be directed at any general meeting duly convened, or as shall be appointed by notice in writing to the clerk of such subdivision by any governor or by any deputy governor resident within such subdivision; and that every deputy governor of any county shall if he thinks fit attend all subdivision meetings of such county, and act and vote therein as if he was resident in such subdivision.

Subdivisional meetings.

LXXXII. AND be it further enacted, that all general and subdivision meetings to be from time to time holden under this Act shall and may adjourn as they shall find expedient for the execution of this Act; and in case the number of governors or deputy governors required to form any general meeting or subdivisional meeting shall not attend at the several times and

Adjournments of general and subdivisional meetings.

places respectively appointed for such general or subdivisional meetings respectively, then and in every such case the clerk of such general or subdivisional meeting, as the case may be, shall adjourn such general or subdivisional meeting respectively to some subsequent time, not exceeding the distance of seven days, to be holden at the same place.

Notice of subdivisional meetings.

LXXXIII. AND be it further enacted, that the respective clerks of the subdivision meetings shall forthwith, or as soon as conveniently may be after any subdivision meeting shall have been appointed, give notice in writing of the time and place of meeting, and of the purpose for which the same is to be held, to the governor and governors, and also to such of the deputy governors who shall be resident within such subdivisions respectively.

Regulations for summoning general meetings, and obtaining lists for a ballot for men to form any regiment, or to supply vacancies.

LXXXIV. AND be it further enacted, that whenever either for the forming any regiment or battalion of militia in Ireland, or for filling up any vacancies therein by death, desertion, or lawful discharge, the lord lieutenant or other chief governor or governors of Ireland for the time being shall order that the necessary number of men shall be raised by ballot, and that new lists shall be returned for the several districts, parishes, and places within the county, county of a city or town, or district to which such regiment or battalion belongs, and such order shall be notified by proclamation in the Dublin Gazette, or by the letter of the chief secretary for the time being to any governor or governors of the county or county of a city to which such regiment or battalion shall belong, then and in every such case the governor or governors of such county or county of a city or any of them shall forthwith summon a general meeting to be held therein within ten days from the date of such proclamation or the receipt of such letter; and the governor or governors and deputy governors, or a competent number thereof, assembled at such general meeting, shall appoint a convenient place and time, not more distant than twenty days or sooner than eight days, for a meeting in every subdivision within the county, county of a city, or district to which such regiment or battalion belongs; and they shall also issue their commands in writing to the several high or chief constables, or where there shall not be a high or chief constable, to some other peace officer, or to the collector of the public cess in each barony of such county or district, or in such county of a city, requiring each of them to issue an order under his hand to all constables or other officers of every parish or place within his district to make out fair and true lists of all male persons usually or at the time resident or dwelling within such parish or place, within the ages of sixteen and forty-five years, distinguishing the profession, trade, or occupation of each, according to the form in schedule (A.) annexed to this Act, and when the true name of any such person cannot be procured, setting down his common appellation, which will be sufficient, and also distinguishing such as labour under any infirmity likely to incapacitate them from serving as militia men, and to return the same to the meeting appointed as aforesaid to be held in the subdivision where such parish or place is situated respectively, verifying upon oath at the foot thereof that he has formed the said list or lists fairly, honestly, and impartially, without favour, affection, or malice towards any person, and that he had used his best endeavours to discover the names of all the male inhabitants of the parish or district for which he has made a return, and that the name of every person whom he discovered to be dwelling or resident within

such parish or place, and who is liable and required by law to be inserted therein, is inserted therein.

Governors of counties may act on failure of general meetings.

LXXXV. PROVIDED always, and be it enacted, that if in any county or county of a city or town such general meeting shall not be held within the time aforesaid, it shall and may be lawful for any one governor of such county or county of a city or town, within six days after the expiration of the time for holding such meeting, to make divisions of such county, county of a city or town as aforesaid, if not already divided, appoint times and places for subdivisional meetings, and issue orders for making out and returning lists in manner aforesaid; and every such division, appointment, or order shall be as valid to all intents and purposes as if the same had been made at a general meeting as aforesaid.

Appointment of special constables for purposes of Act.

LXXXVI. PROVIDED also, and be it enacted, that if in any parish or place there shall be no constable or other officer, or such constable or other officer shall refuse to receive the order which shall be given to him as aforesaid to make out the lists, the chief or high constable or other peace officer or collector receiving the command as aforesaid shall appoint a fit and proper person to act as constable therein for the purpose of executing this Act and no other.

Quakers shall not be constables.

LXXXVII. AND be it further enacted, that no person being one of the people called Quakers shall be appointed chief, high, or petty constable or other officer for the purpose of carrying any of the regulations of this Act into execution: Provided always, that if any person shall be appointed to any such office, and shall refuse to accept thereof by reason of his being one of the people called Quakers, and shall produce a certificate under the hands of two or more reputable housekeepers, being of the people called Quakers, dated within the three months immediately preceding the day on which it shall be produced, acknowledging such person to be one of their persuasion, thereupon some other fit and proper person shall be appointed chief, high, or petty constable, or other officer in the room of such Quaker, in order to carry this Act into perfect execution.

Substitutes for Quakers appointed.

Penalty on constables not returning lists.

LXXXVIII. AND be it further enacted, that if any constable or other officer shall neglect or refuse to make or return the list or lists which by this Act he shall be required to do, and be thereof convicted by his own confession, or on the oath of one credible witness before any justice of the peace, he shall forfeit the sum of ten pounds, to be levied on his goods and chattels under the warrant of such justice, or in default thereof he shall be committed to gaol, there to remain for the space of six months, or until such sum shall be paid.

Allowances to constables for their attendance.

LXXXIX. AND whereas the frequent attendance of the several high and petty or parish constables is required to carry this Act into execution: Be it enacted, that from and after the passing of this Act the collector of his Majesty's revenue for every county shall pay to every high constable the sum of eleven shillings and four-pence half-penny, and to every petty or parish constable the sum of five shillings and five-pence, for each and every day the said high, petty, or parish constables shall be certified under the hands of the persons presiding at any general or subdivisional meeting to have been actually in attendance or on duty in carrying this Act into execution: Provided that the whole sum to any high constable shall not exceed twenty pounds in any one year, and that the whole sum to any such petty or parish constable in any

one year shall not exceed the sum of twelve pounds; and such payments shall be allowed in every collector's accounts.

Governors and deputy governors may issue orders to constables and commit them for disobedience.

XC. AND be it further enacted, that it shall be lawful for the governor, governors, or deputy governors within any subdivision from time to time to issue their order or warrant under their hands and seals requiring the attendance of any constable or other officer of the parish or place within such subdivision, at such time and place as in such order or warrant shall be expressed; and if such constable or other officer shall refuse or neglect to appear according to such order or warrant, and if any chief or high constable, or other officer of any barony, or other officer of any parish or place, whether appointed under this Act or otherwise, shall refuse or neglect to return any such list as before directed, or to comply with such orders and directions as they shall respectively from time to time receive from the said governor or governors or deputy governors in pursuance of this Act, or shall in making such return be guilty of any fraud or wilful partiality or gross neglect in his duty, the said governor or governors, or deputy governors, or any three or more of them, are hereby empowered and required to commit the person so offending to the common gaol, there to be kept without bail or mainprize for the space of one month, or at their discretion to fine such person in any sum not exceeding five pounds nor less than forty shillings.

Penalty on inducing constables to make false lists.

XCI. AND be it further enacted, that any person who shall by gratuity, gift, or reward, or by promise thereof, or of any indemnification, or by menaces or otherwise, endeavour to prevail on any chief or high constable or other officer to make a false return of any list for any parish or place, or to erase or leave out of any such list the name of any man who ought to be returned therein to serve as a militia man, every such person for every such offence shall forfeit and pay the sum of fifty pounds; and if any man shall refuse to tell his christian or surname, or shall falsely tell a christian or surname, or if any person shall refuse to tell the christian or surname of any man lodging or residing within his or her house, or shall knowingly tell any false name, pretending it to be the true name of any such man, to any constable or other officer authorized by this Act to demand the same, such person shall forfeit and pay the sum of ten pounds.

Parts of a parish situate in different counties shall be considered as separate parishes in the respective counties.

XCII. AND be it further enacted, that whenever any parish in Ireland, or any parishes episcopally or perpetually united, or any part thereof respectively, shall be situate in two or more counties, the respective governor or governors and deputy governors of the several and respective counties within which any part or parts of such parish or united parishes so divided shall be situate shall comprize such part of any parish or united parish so divided as is situated within their own county in such district or subdivision of such county as shall be most convenient for the purposes of carrying this Act into execution, as if such part of a parish or united parishes were a distinct parish within such county; and the constable or constables of such district or subdivision shall from time to time return the names of the inhabitants of such part of every such parish or united parish as live within such county and subdivision to the best of their knowledge and ability to the subdivisional meeting, in order that the ballot may be made in such county from lists made accordingly.

Lists of parishes may be united for the ballot.

XCIII. AND be it further enacted, that it shall be lawful for the said governor or governors or deputy governors within their respective divisions

to add together whensoever they shall think it necessary the lists for two or more parishes or places or parts of parishes or places, and proceed upon such lists added together in like manner as if they had been originally returned for one parish or place, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible.

New lists in the room of lists lost, &c.

XCIV. AND be it further enacted, that if the list of any parish or place shall be lost or destroyed it shall be lawful for the governor or governors or deputy governors within any such subdivision, or any two or more of them, to cause a new list as aforesaid in any such parish or place to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made and ought to have been returned to them by the direction of the general meeting.

Settling lists of names at subdivision meetings.

XCV. AND be it further enacted, that the governors and deputy governors at each subdivisional meeting appointed as aforesaid shall immediately proceed thereat to inquire into the fitness for service of all persons named in the lists returned to them, and select their names, and hear such objections as shall be made on the part of such as they shall so select, and in making such enquiry and selection it shall be lawful to and for such governors and deputy governors to examine upon oath, which oaths, as also the oath to be taken by the person making the return, they or any of them are hereby required and empowered to administer; and when such lists shall be so prepared by such inquiry and selection they shall appoint a day and place for the next meeting, to be held at a day not more distant than ten or sooner than six days, and the clerk of the meeting shall forthwith deliver copies of the lists so made respectively to the several constables or other persons who respectively returned the general lists, to be by them affixed without delay on the outside of the door of every church and other place of divine worship in the parish or place to which said list was made, or at the usual place or places therein for posting notices within such parish or district, specifying at the foot thereof the day and place appointed for the next meeting, and that all persons who think themselves aggrieved by the insertion of their names, or by the omission of the names of others in such lists may then appeal, and that no appeal will be afterwards received.

Lists when settled to be posted on church doors with notice of time and place for appeals.

Persons exempted from serving in the militia.

XCVI. PROVIDED always, and be it further enacted, that no peer of this realm, nor any person who shall act as a commissioned officer in any regiment, troop, or company in his Majesty's other forces, or in any of his Majesty's castles or forts, nor any non-commissioned officer or private man serving in any of his Majesty's forces, nor any commissioned officer serving or who has served four years in the militia, nor any person enrolled in any troop or company of yeomanry, who shall produce a certificate from the commanding officer of such troop or company that he has punctually attended the exercise of the troop or company to which he belongs for three months immediately preceding the day on which he shall have been ballotted to serve in the militia, according to the provisions of an Act made in the forty-second year of his present Majesty's reign, intituled, "An Act to enable his Majesty to accept and con- "tinue the services of certain troops or companies of yeomanry in Ireland," nor any person being a member of the university, nor any clergyman or licensed teacher of any separate congregation, nor any justice of peace, constable, or other peace officer, nor any articled clerk, apprentice, seaman, or

seafaring man, nor any person doing duty in his Majesty's ordnance for the service thereof, or at any magazine or other storehouse belonging to his Majesty or under the directions of the board of ordnance, nor any poor man not worth ten pounds in goods or chattels, or who does not pay five pounds a year rent in the whole for lands, tenements, and cottake or crophold, for the crop or by the year, who has more than three children born in wedlock living and under the age of fourteen, shall be liable to serve personally or provide a substitute according to the directions of this Act; and no person having served personally or by substitute in any regiment or battalion of militia shall be obliged to serve again until by rotation it shall come to his turn; but no person who has served only as a substitute shall by such service be exempted from serving again if he shall be chosen by ballot.

Hearing of appeals and correcting lists.

XCVII. AND be it further enacted, that at every subdivision meeting for hearing appeals the persons presiding shall enquire upon oath into the allegation of every person who shall appear personally to support his appeal, or on whose behalf, if he shall be sick or absent, an appeal shall be brought, which oath they or any of them are hereby empowered to administer; and they shall strike out of the list every person who shall appear to them to be unfit to serve or to be legally exempted from serving; and they shall likewise insert in such list the name of any person who it shall appear to them ought to be inserted therein and shall have been omitted; and they shall forthwith return to the clerk of the general meeting a certificate under their hands of the number of men contained in the list of every parish or place after such amendment thereof, for the use of the general meeting; and they shall likewise send to the clerk of the peace a full and accurate copy of every such amended list under their hands and seals, countersigned by the clerk of the meeting, to be by him filed and kept among the records of the county, which copy shall be of equal authenticity for every lawful purpose respecting the militia, and of all proceedings and acts to be done under this or any Act for raising, embodying, or regulating, or otherwise respecting the militia, as the original, in case the original shall be lost, effaced, or mislaid.

Certificates to clerks of general meetings.

Copies of amended lists to be sent to clerks of the peace.

Annual return of lists to Privy Council.

XCVIII. AND be it further enacted, that the custos rotulorum or senior governor in case of the absence of the custos rotulorum of every county shall and he is hereby required to transmit to his Majesty's Privy Council annually, as soon after the returns of men shall have been made to the general meetings as the same can be done, an account in writing of the true state of the number of persons fit and liable to serve in the militia for such county, in the form of schedule (B.) to this Act annexed.

General meeting for apportioning the numbers of men to be raised by each parish.

XCIX. AND be it further enacted, that a general meeting of the governors and deputy governors of every county respectively shall be summoned by the clerk of the general meetings, immediately on his receiving such certificates or any of them, to be held within seven days thereafter and not sooner than four days, for the purpose of apportioning the number of militia men to be raised on the several subdivisions, parishes, or places; and the persons who shall preside at such general or other meeting shall appoint what number of men shall be the quota or proportion for each parish or place to furnish or keep supplied to the militia of the county, county of a city or district, apportioning the whole number of the militia, non-commissioned officers and drummers included, as nearly as may be, to the numbers contained in the certified lists of

each parish or place; and the clerk of such meeting shall forthwith give notice thereof to the several subdivisional clerks, who shall enter and file the same for the use of their respective subdivisions, and he shall also give a copy thereof signed by himself to the clerk of the peace, to be by him filed and kept among the records of such county; and such general meeting shall appoint meetings to be held in the several subdivisions for the purpose of choosing by ballot the number of persons to be furnished from each subdivision to the militia. Subdivision meetings for choosing the men by ballot.

C. AND be it enacted, that the governor or governors with the deputy governors of any county, or a competent number of them, assembled at any general meeting, may alter the allotment of the number of men to be raised in each respective barony, parish, or other division to serve in the militia, whenever it shall appear to them that any such allotment is injurious to any barony, parish, or other division. Apportionment may be altered.

CI. AND be it further enacted, that at every subdivisional meeting so to be held for ballotting, whether the same be for forming any regiment or battalion, or for supplying any deficiency of men, or filling up any vacancy or vacancies therein, the person or persons presiding at such divisional meeting shall forthwith cause the number of men which each parish or place ought then to furnish to be forthwith chosen by ballot, in manner following; that is to say, the names of all persons contained in the aforesaid list for such parish or place shall be fairly written on distinct pieces of paper, being as near as may be of equal size, and rolled up in the same manner, and put into a box, case, or bag by the clerk, and thereout the names shall be impartially drawn by one of the persons presiding, or some indifferent person, until the whole number which such parish or place ought then to furnish shall be drawn; and the person or persons presiding at such subdivisional meeting shall appoint another meeting of the subdivision, to be held within seven and not sooner than four days, and shall cause notice thereof to be given to each person drawn by the ballot, requiring him to appear at such other meeting, and shew cause, if any he can, why he should be excused, or there to enrol himself or produce a sufficient substitute, who shall be approved of or enrolled, such notice to be left at his place of abode two days at the least before the day of his appearance, or in case he shall have no place of abode, or the same cannot be discovered, such notice to be affixed on the door of the church and other places of divine worship, and in all places where notices are usually posted in such district or parish, two days at least before the day for his appearance; and if he shall not appear, and proof shall be made upon oath of such notice having been given or affixed, and no sufficient cause on oath shall be given for his not appearing, or if he shall not be excused when he shall so appear, or produce a substitute as aforesaid, he shall be adjudged liable to serve, and serve accordingly. Ballot at subdivision meetings. Notice of subsequent meeting, at which men ballotted must appear, appeal, be enrolled, or produce substitutes.

CII. AND be it further enacted, that if it shall appear to any justice of the peace, governor, or deputy governor that any person drawn by a ballot is not a lessee of any land or lands or house in the subdivision in which he shall be drawn for years or for life or lives, it shall be lawful for him to issue his warrant for bringing such person before him, and to bind him, together with one sufficient surety, in the sum of twenty pounds for his appearance at the next subdivisional meeting, and from meeting to meeting, until he shall be discharged or enrolled; and if he shall refuse to be so bound or shall neglect to Sureties for appearance of ballotted men not holding lands in the subdivision.

find such surety, such justice is hereby required to order the clerk of the subdivision to enrol his name, and he shall be delivered over without delay to the proper officer of the militia to serve for such term as a man drawn by ballot shall be bound to serve: Provided always, that nothing herein contained shall extend to prevent any such person from having or taking the benefit of any exemption or appeal to which he may by law be entitled.

Men ballotted

CIII. AND be it further enacted, that every person so chosen by ballot who shall so appear at such meeting, and shall not be excused or provide a substitute, shall there take the following oath; that is to say,[a]

. . . . . .

and substitutes shall take oaths,

And that every substitute and every volunteer, and every man who shall be raised by any parish assessment in manner directed by this Act, who shall so appear at such meeting, or who may be at any time enlisted to serve in such militia, shall take the following oath; that is to say,[a]

. . . . . .

and be enrolled.

And every such person shall be enrolled in a roll to be then and there prepared for that purpose to serve in the militia of said county or city as a militia man accordingly; and that in the certificate of such attestation the day of the month when such oath was administered shall be specified in words and not in figures, and that if any such attestation shall be antedated, the person knowingly antedating the same shall, if an officer, be cashiered, and if a magistrate or deputy governor shall become liable to and incur the penalty of fifty pounds on conviction thereof.

Ballotted men may provide substitutes, who if approved shall take the oath and be enrolled.

CIV. PROVIDED always, and be it further enacted, that if any person so chosen by ballot shall procure and produce for his substitute a man able and fit for service, and who shall be approved of by the said governor or governors or deputy governors, or any three or more of them, such substitute so produced and approved shall be enrolled to serve in the militia of such county or city as a private militia man for the space of five years, and also for such further time as the militia shall remain embodied, if at the expiration of the said term of five years the regiment or battalion to which such man shall belong shall be on service out of such county or city, and such substitute shall take the oath herein-before appointed to be taken by a substitute or volunteer [a]; and any person so chosen by ballot for whom such substitute shall have been so produced, enrolled, and sworn as aforesaid shall be exempted from service in the militia, in the same manner as if he himself had served according to the directions of this Act: Provided that no person who shall be hereafter enrolled in the said militia, whether as a ballotted man or substitute or volunteer, shall be deemed to be fully approved of, so as to exonerate the person or persons, district or districts bound to provide such man, or to entitle such man to receive the second instalment of his bounty if a volunteer, unless and until such approbation shall be expressed by the commanding officer of the regiment or battalion, or some proper officer by him appointed, and also by some person or persons duly appointed or authorized by or under the army medical board to hold a medical inspection of such person.

Men enrolled shall not be deemed militia men till approved by the colonel, &c. and surgeons.

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[a] So much of this Act as prescribes the form of oath to be taken by persons ballotted, and by substitutes and volunteers raised under this Act, rep., 51 Geo. 3. c. 118. s. 2.

Discharging of persons infirm, &c. although ballotted.

CV. PROVIDED also, and be it enacted, that when it shall appear to the governor or governors and deputy governors or any of them, who shall be assembled and competent to preside at any subdivision meeting, that any person chosen by ballot to serve in the militia is unable by any infirmity, or not being of the heighth of five feet two inches, or is otherwise unfit for service, it shall be lawful for the governor or governors or deputy governors so assembled, and they are hereby required, to discharge such person, and immediately to amend the list for the place for which such person shall have been ballotted by striking his name out of the same, and cause another person to be chosen in his stead by ballot according to the directions of this Act.

When vacancies are to be filled up returns shall be made to clerks of peace by commanding officers shewing the parishes for which the men serve.

CVI. AND, for the ascertaining what numbers may be actually serving for any particular parish or place in cases where a ballot is to be held for filling up vacancies, or in any other cases; be it enacted, that every commanding officer of a regiment or battalion of militia shall, within seven days after the first day of October in each and every year, and as often as he shall be required so to do by the governors or deputy governors at any general meeting, send to the clerk of the general meeting of the county or county of a city to which his regiment or battalion belongs a full and accurate account of the names of all non-commissioned officers, drummers, and privates serving at the time in his regiment or battalion, specifying the several parishes or places for which each man serves or is set down to serve, as far as it has come to his knowledge; which list shall by the clerk of the general meetings be filed and preserved for the use of the governor or deputy governors.

Men serving for each parish shall be set down to its credit;

and the remainder apportioned by ballot among the parishes.

CVII. AND be it further enacted, that the persons who shall preside at any general or other meeting which shall be held by virtue of this Act for the purpose of apportioning the militia shall set down to the credit of each parish or place all such men in the said account as by such account or by other sufficient documents shall appear to be serving for the same; and that the remaining men shall be divided by lot among the several parishes and places aforesaid within the county or county of a city or town in manner following; that is to say, the person presiding at such meeting shall cause the names of all the men so remaining in the said list, after all such credit being given, to be fairly written on distinct pieces of paper, being as near as may be all of equal size, and rolled in the same manner, to be put into a box, and they shall also cause the names of the several parishes or places on which any appointment shall have been made of the number of men to be furnished to the militia, fairly written on distinct pieces of parchment or paper, being as near as may be all of equal size, and rolled up in the same manner, to be put into another box; and they or he, as the case may be, shall cause one indifferent person publicly and fairly to draw a roll out of one box, and one other indifferent person to draw in like manner a roll out of the other box, and the name of the person so drawn out of the one box shall be immediately set down to the credit of the parish or place so drawn out of the other box, and the roll containing the name of such parish or place shall again be returned into its box, rolled up in like manner as before, and so the said drawing of the rolls shall be continued by drawing one out of each box at a time, always shaking each box before each drawing, until all the names con-

tained in the first box shall be completely drawn and set down to the credit of the parish or place respectively with which they shall be drawn: Provided always, that so soon during such drawing as there shall be set down to the credit altogether of any parish or place the full number of the quota it is to furnish its name shall not be again put into the box until the whole of the drawing shall be over.

Notice to subdivisional clerks of quotas to be raised by each parish.

CVIII. AND be it further enacted, that as soon as the number of men to be raised from each particular parish or place shall be ascertained as aforesaid, the clerk of the general meetings shall send notice to every subdivisional clerk of the quota or proportion of men which each parish or place in his subdivision is to furnish to the militia; and shall send a copy of the names of the several men set down to the credit of each such parish or place, specifying opposite to each name the distinct cause of such credit; and every subdivisional clerk shall respectively lay such copy before the subdivisional meeting which shall next meet for the purpose of taking a ballot.

Vacancies shall be supplied out of existing lists.

CIX. AND be it further enacted, that whenever any vacancy or vacancies shall happen in the regiment or battalion of militia for any county or county of a city or town by death, desertion, or lawful discharge, and it shall not be provided by law or directed by the lord lieutenant or other chief governor or governors of Ireland that the same shall be filled by enrolling volunteers, the clerk of the peace shall, within seven days after he shall receive an account thereof under the hand of the officer commanding the regiment or battalion, give notice thereof to the clerk of the subdivision in which the parish or place where the person or persons who has or have occasioned such vacancy or vacancies shall have been respectively set down to serve for is situated, and such clerk shall summon a subdivisional meeting to be held within seven days, to provide a man or men to serve in his or their room, and a man or men shall at every such meeting be chosen by ballot, to be held in manner herein-before prescribed; and in case any deserter shall at any time return to his regiment or battalion, or be taken, he shall, notwithstanding any person shall so have been chosen in his room, be compelled to serve in the same manner and for the said term as if no person had been so chosen in his room.

Deserters returning or taken shall serve in addition to men chosen to supply their vacancies.

Amendment of lists, and further ballot, if full numbers not enrolled.

CX. AND be it further enacted, that if through the neglect or mistake of any chief or high constable, constable, or other person, or from any other cause, the full number of men appointed for any subdivision should not be duly enrolled at any meeting appointed for that purpose, then the governor or governors and deputy governors, or any two or more of them, may and are hereby required immediately to cause the list to be amended, and to proceed to a fresh ballot, and to adjourn their meeting or appoint other meetings, and repeat the amending of the lists as often as may be necessary and expedient for carrying the purposes of this Act duly and fully into execution; and it shall be lawful for any one governor or deputy governor to administer the oath herein-before required to be taken by persons to serve in the militia, to any person ballotted for under the directions of this Act, or to any person who, being qualified as this Act requires, shall offer to serve as a substitute or volunteer; and such governor or deputy governor is hereby authorized to direct and require the clerks of the subdivision for which every such person,

Men chosen to take the oath and be enrolled.

by whom the said oath has been taken before him is to serve, to enrol the name of every such person, together with the date of the day on which the said oath was so administered to him, in the roll of such subdivision.

Subdivision clerks shall transmit lists of all men enrolled.

CXI. AND be it further enacted, that the respective clerks of the subdivisional meetings shall, as soon as the militia men are enrolled, transmit to the clerk of the general meetings, and to the colonel or commanding officer, a list, specifying the names and trades and places of abode of all such militia men as are enrolled, and where there are substitutes, the names, trades, and places of abode of the persons in the room of whom they were enrolled as substitutes, in the form in schedule C. to this Act annexed.

Persons removing, &c. shall serve for places where their names are on the list, &c.

CXII. AND be it further enacted, that every person chosen by ballot to serve in the militia shall be liable to such service, although he may have removed from the place where his name was inserted in the list, provided he was residing in such place at the time when the list was according to the directions of this Act prepared; and every person liable to serve in the militia having more than one place of residence shall serve for the county or place where his name shall be first drawn, as aforesaid.

Where ballotted man does not appear, another shall be chosen.

CXIII. AND, to prevent the militia service from suffering by ballotted men not appearing pursuant to notice as aforesaid, be it enacted, that on the non-appearance of any person drawn by ballot as aforesaid, notice having been given or affixed as aforesaid, and no substitute as aforesaid being produced, the person or persons presiding shall immediately proceed to choose another to serve in his place, and so from time to time on every day appointed for the appearance of the person so drawn not appearing until a sufficient man shall be enrolled.

Ballotted man not appearing shall be held a deserter.

CXIV. PROVIDED always, and be it enacted, that every person chosen at any time by ballot as aforesaid, who shall not by virtue of this Act be excused from serving or produce a substitute, which substitute shall be approved of and enrolled, who shall not immediately enrol himself and join the regiment or battalion, shall be liable to serve, notwithstanding another person may have been chosen in his room; and it shall be lawful for any magistrate to issue his warrant for apprehending him in the manner and with like authority as for apprehending a deserter; and upon conviction upon oath before any magistrate that such person was ballotted to serve in the militia, and not excused, he shall be fined in the sum of five pounds, and in case of nonpayment thereof, the same may be levied by distress of his goods and chattels, by warrant under the hand and seal of such magistrate, or he may be committed to the common gaol of the county if he shall be apprehended, there to remain for the space of six months or until the commanding officer shall desire that he may be sent to the regiment or battalion, and the like reward shall be paid for apprehending him as for apprehending a deserter, and he shall be deemed a deserter, and suffer as such.

Ballotted man failing at first to appear and afterwards appearing when the militia is complete shall be enrolled and give security to serve on next vacancy.

CXV. PROVIDED also, and be it enacted, that if any person so drawn by ballot and failing to appear shall afterwards voluntarily appear at a time when the militia is complete, he shall be immediately enrolled, and shall be bound in the sum of twenty pounds, and shall find a sufficient surety to be bound in the sum of ten pounds for his appearance and joining the militia whenever there shall be a vacancy or he shall be required by the commanding officer or clerk of the subdivision to join, and his time of service shall com-

tained in the first box shall be completely drawn and set down to the credit of the parish or place respectively with which they shall be drawn: Provided always, that so soon during such drawing as there shall be set down to the credit altogether of any parish or place the full number of the quota it is to furnish its name shall not be again put into the box until the whole of the drawing shall be over.

Notice to subdivisional clerks of quotas to be raised by each parish.

CVIII. AND be it further enacted, that as soon as the number of men to be raised from each particular parish or place shall be ascertained as aforesaid, the clerk of the general meetings shall send notice to every subdivisional clerk of the quota or proportion of men which each parish or place in his subdivision is to furnish to the militia; and shall send a copy of the names of the several men set down to the credit of each such parish or place, specifying opposite to each name the distinct cause of such credit; and every subdivisional clerk shall respectively lay such copy before the subdivisional meeting which shall next meet for the purpose of taking a ballot.

Vacancies shall be supplied out of existing lists.

CIX. AND be it further enacted, that whenever any vacancy or vacancies shall happen in the regiment or battalion of militia for any county or county of a city or town by death, desertion, or lawful discharge, and it shall not be provided by law or directed by the lord lieutenant or other chief governor or governors of Ireland that the same shall be filled by enrolling volunteers, the clerk of the peace shall, within seven days after he shall receive an account thereof under the hand of the officer commanding the regiment or battalion, give notice thereof to the clerk of the subdivision in which the parish or place where the person or persons who has or have occasioned such vacancy or vacancies shall have been respectively set down to serve for is situated, and such clerk shall summon a subdivisional meeting to be held within seven days, to provide a man or men to serve in his or their room, and a man or men shall at every such meeting be chosen by ballot, to be held in manner herein-before prescribed; and in case any deserter shall at any time return to his regiment or battalion, or be taken, he shall, notwithstanding any person shall so have been chosen in his room, be compelled to serve in the same manner and for the said term as if no person had been so chosen in his room.

Deserters returning or taken shall serve in addition to men chosen to supply their vacancies.

Amendment of lists, and further ballot, if full numbers not enrolled.

CX. AND be it further enacted, that if through the neglect or mistake of any chief or high constable, constable, or other person, or from any other cause, the full number of men appointed for any subdivision should not be duly enrolled at any meeting appointed for that purpose, then the governor or governors and deputy governors, or any two or more of them, may and are hereby required immediately to cause the list to be amended, and to proceed to a fresh ballot, and to adjourn their meeting or appoint other meetings, and repeat the amending of the lists as often as may be necessary and expedient for carrying the purposes of this Act duly and fully into execution; and it shall be lawful for any one governor or deputy governor to administer the oath herein-before required to be taken by persons to serve in the militia, to any person ballotted for under the directions of this Act, or to any person who, being qualified as this Act requires, shall offer to serve as a substitute or volunteer; and such governor or deputy governor is hereby authorized to direct and require the clerks of the subdivision for which every such person,

Men chosen to take the oath and be enrolled.

by whom the said oath has been taken before him is to serve, to enrol the name of every such person, together with the date of the day on which the said oath was so administered to him, in the roll of such subdivision.

Subdivision clerks shall transmit lists of all men enrolled.

CXI. AND be it further enacted, that the respective clerks of the subdivisional meetings shall, as soon as the militia men are enrolled, transmit to the clerk of the general meetings, and to the colonel or commanding officer, a list, specifying the names and trades and places of abode of all such militia men as are enrolled, and where there are substitutes, the names, trades, and places of abode of the persons in the room of whom they were enrolled as substitutes, in the form in schedule C. to this Act annexed.

Persons removing, &c. shall serve for places where their names are on the list, &c.

CXII. AND be it further enacted, that every person chosen by ballot to serve in the militia shall be liable to such service, although he may have removed from the place where his name was inserted in the list, provided he was residing in such place at the time when the list was according to the directions of this Act prepared; and every person liable to serve in the militia having more than one place of residence shall serve for the county or place where his name shall be first drawn, as aforesaid.

Where ballotted man does not appear, another shall be chosen.

CXIII. AND, to prevent the militia service from suffering by ballotted men not appearing pursuant to notice as aforesaid, be it enacted, that on the non-appearance of any person drawn by ballot as aforesaid, notice having been given or affixed as aforesaid, and no substitute as aforesaid being produced, the person or persons presiding shall immediately proceed to choose another to serve in his place, and so from time to time on every day appointed for the appearance of the person so drawn not appearing until a sufficient man shall be enrolled.

Ballotted man not appearing shall be held a deserter.

CXIV. PROVIDED always, and be it enacted, that every person chosen at any time by ballot as aforesaid, who shall not by virtue of this Act be excused from serving or produce a substitute, which substitute shall be approved of and enrolled, who shall not immediately enrol himself and join the regiment or battalion, shall be liable to serve, notwithstanding another person may have been chosen in his room; and it shall be lawful for any magistrate to issue his warrant for apprehending him in the manner and with like authority as for apprehending a deserter; and upon conviction upon oath before any magistrate that such person was ballotted to serve in the militia, and not excused, he shall be fined in the sum of five pounds, and in case of nonpayment thereof, the same may be levied by distress of his goods and chattels, by warrant under the hand and seal of such magistrate, or he may be committed to the common gaol of the county if he shall be apprehended, there to remain for the space of six months or until the commanding officer shall desire that he may be sent to the regiment or battalion, and the like reward shall be paid for apprehending him as for apprehending a deserter, and he shall be deemed a deserter, and suffer as such.

Ballotted man failing at first to appear and afterwards appearing when the militia is complete shall be enrolled and give security to serve on next vacancy.

CXV. PROVIDED also, and be it enacted, that if any person so drawn by ballot and failing to appear shall afterwards voluntarily appear at a time when the militia is complete, he shall be immediately enrolled, and shall be bound in the sum of twenty pounds, and shall find a sufficient surety to be bound in the sum of ten pounds for his appearance and joining the militia whenever there shall be a vacancy or he shall be required by the commanding officer or clerk of the subdivision to join, and his time of service shall com-

mence from the day of his joining; and if he shall so fail to bind himself or to find such surety he shall be committed by any magistrate, governor, or deputy governor to the common gaol of the county, there to remain until he shall be sent to the regiment or battalion to serve therein as aforesaid.

Volunteers or substitutes not appearing shall repay money received, with twenty shillings penalty.

CXVI. AND be it further enacted, that if any person shall receive money from any other person to serve as a volunteer or substitute in the militia as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing the militia men, or before some governor or deputy governor, in order to be sworn according to the directions of this Act, every such person so neglecting to appear and be sworn, being convicted thereof before any governor or deputy governor, shall be obliged to return the money to the person or persons from whom he received it, and shall also forfeit and pay to such person or persons any sum not exceeding twenty shillings, at the discretion of such governor or deputy governor before whom he shall be so convicted; and if such offender shall not immediately return the money so by him received as aforesaid and likewise pay the said penalty, he shall be committed to the common gaol or house of correction for the space of three months, or until the same sum shall be paid.

Penalty on persons refusing to pay their substitutes.

CXVII. AND be it further enacted, that if any person chosen by ballot to serve in the militia shall have engaged any other person to serve as his substitute, and the person so chosen by ballot shall have agreed to pay to the person so engaged a certain sum for such services, and shall after such substitute has been enrolled refuse to pay him the full sum agreed on, it shall and may be lawful for any governor or deputy governor, or justice of the peace, on application made to him, and such governor, deputy governor, or justice is hereby required, to order such sum of money as shall appear to him to be due to the person so engaged to be immediately paid to him by the person or persons by or for whom he shall be engaged to serve as aforesaid; and in case of his refusing or neglecting so to do, to forfeit the sum of five pounds, and also the sum engaged to be paid to the substitute, the same to be levied by warrant under the hand and seal of any governor or deputy governor or justice of the peace off the goods and chattels of such person so engaging such substitute.

Deserters shall, if retaken, serve their full period.

CXVIII. AND be it further enacted, that if any person being sworn and enrolled to serve as a ballotted man, substitute, or volunteer in the militia shall afterwards desert or absent himself from the regiment or battalion to which he belongs, every such person shall be liable to and shall serve as a militia man in such regiment or battalion for and during the full term for which he shall be enrolled, to be computed from the day on which he shall be apprehended, and shall also be subject to such other penalty or punishment as shall be inflicted upon him for such offence by virtue of this Act; and the commanding officer of such regiment or battalion shall cause notice to be given to the clerk of the subdivision for which such person was enrolled of the day on which he was apprehended; and such clerk shall make an entry on the roll of the militia of the name of such person, and also of the time of his being so apprehended.

Substitutes to be provided for Quakers;

CXIX. AND be it further enacted, that if any person being one of the persuasion called Quakers shall be chosen by ballot to serve in the militia, and

for which such man so discharged was enrolled; and such approbation shall be entered and recorded in the proceedings of such subdivision meeting.

Lord lieutenant may authorize parishes to raise their quotas by substitutes and volunteers, and to raise the necessary sums by assessment.

CXXIV. AND whereas it may be more eligible that the necessary number of men for any parish or place, either at forming any regiment or battalion, or for supplying any vacancy or vacancies therein, should be raised by means of assessment than by ballot: Be it therefore enacted, that it shall be lawful for the inhabitants of any parish in Ireland having one or more churchwarden or churchwardens, with the consent and approbation of the lord lieutenant or other chief governor or governors of Ireland, signified by his or their chief secretary, at a vestry meeting to be held for that purpose, of which seven days public notice shall be given specifying the cause of calling such meeting, and which meeting every churchwarden of such parish is hereby severally required to summon, to order to be levied by assessment upon the parish such sums as they shall think proper, not exceeding in the whole the amount of the average price of a substitute (such average price to be fixed in manner herein-after mentioned) for every man directed to be raised as the quota of such parish, and to apply the same as they shall think fit for providing a sufficient number of men to serve as substitutes or volunteers for such parish according to the quota so to be raised in such parish as aforesaid; and it shall be lawful for the said inhabitants at the said vestry meeting to appoint one or more person or persons to direct and superintend the application of such sum for such purposes pursuant to the order of such vestry; and all such sums shall be forthwith raised and levied in like manner, and by all such means, powers, authorities, and persons, and with all such remedies, in case of any refusal or omission to pay the same, as any parish cess may by law be raised and levied in Ireland, the overplus (if any) or such part as may from any reason remain undisposed of to be applied to any such parochial purposes to which a parish cess may by law be applied, as the vestry of such parish shall at any future meeting to be called for that purpose direct. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Average price for substitutes or volunteers to be fixed by governors of counties;

subject to a limitation by the lord lieutenant.

CXXV. AND be it further enacted, that the governor or governors or deputy governors of each county or city, or such of them as shall duly preside at any general meeting to be holden as herein-before directed for the purposes of this Act shall, whenever they shall think proper so to do, fix and declare what in their judgment shall appear to them to be a fair and reasonable sum to be paid as the average price of a substitute or volunteer in the said militia; and such sum so fixed and declared shall be and continue to be the average price of such substitutes for such county or city, until the same shall be otherwise ordered at any subsequent meeting: Provided always, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland for the time being, whenever he or they shall think proper so to do, to fix and ascertain either generally or for any particular county or county of a city or town any sum or sums as a limit or limits above which respectively such average shall not be made.

Volunteer substitutes procured shall be enrolled.

CXXVI. AND be it further enacted, that the churchwardens or any inhabitant of such parish shall and may produce such substitutes or volunteers so provided as aforesaid before any deputy governor of the subdivision at any time on or previous to the day appointed for choosing the men by ballot in such subdivision in pursuance of this Act, and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] that it shall and may be lawful for any persons to provide volunteers to serve for any subdivision or any of the districts therein, and to produce such volunteers, or for any persons willing to serve to offer themselves to serve for any such division, and to appear before any such deputy governor within such time and at such place as aforesaid; and every person so produced or appearing, who shall be approved of by the said deputy governors as aforesaid, shall and may be enrolled to serve as one of the quota of such parish or division; and such deputy governor before whom any such volunteer shall be enrolled shall

such governor or governors or deputy governors to appoint such person so fraudulently bound apprentice to serve as a militia man for the parish or place for which such list shall have been returned, if there shall be a vacancy, and if there shall be no vacancy at that time such person shall be immediately enrolled, and shall be bound in the sum of twenty pounds, and shall find a sufficient surety to be bound in the sum of ten pounds, for his appearance and joining the said militia whenever there shall be a vacancy, or whenever he shall be required by the commanding officer or clerk of the subdivision to join; and his time of service shall commence from the day of his joining; and if he shall fail to bind himself or to find such surety, he shall be committed by any magistrate, governor, or deputy governor to the common gaol of the county, there to remain until he shall be sent to the regiment or battalion to serve therein; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

Justice of peace may settle sums, not exceeding 20*l.*, to be paid by masters to servants enrolled into militia, for service already performed.

CXXII. AND be it further enacted, that if any servant whatsoever hired by the year or otherwise shall be enrolled as a militia man, and any dispute shall arise between his master and mistress, employer or employers, and such servant, touching any sum or sums of money due to such servant for or on account of his service performed before the time of such swearing or enrolment, or to such time as under the conditions of the said swearing and enrolling he shall be obliged to quit the service of his said master or mistress by being called out to join the militia in which he shall have been sworn and enrolled, it shall and may be lawful, on the complaint made thereof within three months from the time of quitting the said service to any justice of the peace for the county, city, liberty, town, or place where such master, mistress, employer or employers shall inhabit, for such justice to hear and determine every such complaint, and to examine upon oath every such servant or any other witness or witnesses touching the same, and to make such order for the payment of such wages to such servant in proportion to the service he has performed as to such justice shall seem just and reasonable, provided the sum in question does not exceed the sum of twenty pounds; and in case of refusal or omission to pay any sums so ordered by the space of twenty-one days next after such determination, such justice shall and may issue forth his or their warrant to levy the same by distress and sale of the goods and chattels of such master or mistress, employer or employers, rendering the overplus to the owner or owners after payment of the charges of such distress and sale.

Such sums may be levied by distress.

Discharging men from regiments when unfit for service.

CXXIII. AND be it further enacted, that whenever any militia man after having been sworn and enrolled shall become unfit for service it shall be lawful for the colonel or commanding officer of any regiment or battalion to which such militia man shall belong, together with two or more deputy governors of the county to which such regiment or battalion shall belong, if the said regiment or battalion shall be then within the said county, or for the said commanding officer alone by the order of the officer commanding his Majesty's forces in Ireland, if the said regiment or battalion shall be absent from such county or county of a city, to discharge any such militia man from such regiment or battalion: Provided always, that no man shall be ballotted for to supply the vacancy caused by any man being so discharged until such discharge shall be approved by the deputy governors at a meeting for the subdivision

for which such man so discharged was enrolled; and such approbation shall be entered and recorded in the proceedings of such subdivision meeting.

Lord lieutenant may authorize parishes to raise their quotas by substitutes and volunteers, and to raise the necessary sums by assessment.

CXXIV. AND whereas it may be more eligible that the necessary number of men for any parish or place, either at forming any regiment or battalion, or for supplying any vacancy or vacancies therein, should be raised by means of assessment than by ballot: Be it therefore enacted, that it shall be lawful for the inhabitants of any parish in Ireland having one or more churchwarden or churchwardens, with the consent and approbation of the lord lieutenant or other chief governor or governors of Ireland, signified by his or their chief secretary, at a vestry meeting to be held for that purpose, of which seven days public notice shall be given specifying the cause of calling such meeting, and which meeting every churchwarden of such parish is hereby severally required to summon, to order to be levied by assessment upon the parish such sums as they shall think proper, not exceeding in the whole the amount of the average price of a substitute (such average price to be fixed in manner herein-after mentioned) for every man directed to be raised as the quota of such parish, and to apply the same as they shall think fit for providing a sufficient number of men to serve as substitutes or volunteers for such parish according to the quota so to be raised in such parish as aforesaid; and it shall be lawful for the said inhabitants at the said vestry meeting to appoint one or more person or persons to direct and superintend the application of such sum for such purposes pursuant to the order of such vestry; and all such sums shall be forthwith raised and levied in like manner, and by all such means, powers, authorities, and persons, and with all such remedies, in case of any refusal or omission to pay the same, as any parish cess may by law be raised and levied in Ireland, the overplus (if any) or such part as may from any reason remain undisposed of to be applied to any such parochial purposes to which a parish cess may by law be applied, as the vestry of such parish shall at any future meeting to be called for that purpose direct. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Average price for substitutes or volunteers to be fixed by governors of counties; subject to a limitation by the lord lieutenant.

CXXV. AND be it further enacted, that the governor or governors or deputy governors of each county or city, or such of them as shall duly preside at any general meeting to be holden as herein-before directed for the purposes of this Act shall, whenever they shall think proper so to do, fix and declare what in their judgment shall appear to them to be a fair and reasonable sum to be paid as the average price of a substitute or volunteer in the said militia; and such sum so fixed and declared shall be and continue to be the average price of such substitutes for such county or city, until the same shall be otherwise ordered at any subsequent meeting: Provided always, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland for the time being, whenever he or they shall think proper so to do, to fix and ascertain either generally or for any particular county or county of a city or town any sum or sums as a limit or limits above which respectively such average shall not be made.

Volunteer substitutes procured shall be enrolled.

CXXVI. AND be it further enacted, that the churchwardens or any inhabitant of such parish shall and may produce such substitutes or volunteers so provided as aforesaid before any deputy governor of the subdivision at any time on or previous to the day appointed for choosing the men by ballot in such subdivision in pursuance of this Act, and [Rep., Stat. Law Rev. Act, 1872 (No. 2).] that it shall and may be lawful for any persons to provide volunteers to serve for any subdivision or any of the districts therein, and to produce such volunteers, or for any persons willing to serve to offer themselves to serve for any such division, and to appear before any such deputy governor within such time and at such place as aforesaid; and every person so produced or appearing, who shall be approved of by the said deputy governors as aforesaid, shall and may be enrolled to serve as one of the quota of such parish or division; and such deputy governor before whom any such volunteer shall be enrolled shall

cause the clerks of the meetings for the respective subdivisions to enrol the names of all such volunteers as shall be so entered within the respective subdivisions before the time appointed for ballotting the men within the same: Provided however, that if the full quota then required to be raised shall not be raised by the ways aforesaid or by any of them in or for any such parish or subdivision, by or before the time appointed for ballotting for such parish or division, the men that shall have been so raised (if any) shall be deemed and taken as part of the quota of such parish or division, and the ballot shall proceed for the residue of such quota.

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Copies of proceedings at subdivision meetings to be sent to clerks of general meetings.

CXXIX. AND be it further enacted, that the clerks of all subdivisional meetings shall, within eight days after every subdivision meeting, transmit to the clerk of the general meeting of the county fair and true copies of such rolls as shall be signed at such meeting, and the other proceedings thereof.

Lord lieutenant may allow militia to be raised or supplied by volunteers.

CXXX. PROVIDED always, and be it further enacted, that whenever it shall be necessary to raise men for the said militia, or for any of the said regiments or battalions thereof, not exceeding the original numbers required by this Act, either at the forming thereof, or to fill any vacancy or vacancies, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, to direct and appoint, by any order or proclamation to be issued for that purpose, that the necessary number of men, either for the whole or any regiment or battalion of the said militia, shall be raised by the enrolling and receiving volunteers; and every such order or proclamation, if not extending to the whole of the said militia, shall specify the several regiments or battalions for which such men shall be so raised by the enrolling and receiving volunteers.

Lord lieutenant may order commanders of regiments to receive volunteers;

CXXXI. AND in order to carry such order or proclamation into effect, be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to issue his orders to all or any of the several colonels and other commanding officers of the respective regiments or battalions of militia in Ireland, or such of them as shall be included in such proclamation or order, requiring him or them without delay to proceed to enrol a certain number of volunteers, not exceeding in any case the establishments of their respective regiments or battalions at the time of such order; and for that purpose it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to issue his orders to the lords commissioners of the Treasury of Ireland, requiring them to advance from time or time to such colonels or other commanding officer or officers of the different regiments or battalions of militia in Ireland such sum or sums of money as may be directed by such order, not exceeding such sum as shall at such time be fixed and declared as the average price of a substitute in manner herein-before mentioned.

and may order the Treasury to advance bounty money to the colonels.

Commanders shall proceed to raise volunteers on bounty;

CXXXII. AND be it further enacted, that upon such order being issued as aforesaid, the several colonels or commanding officer or officers of the said regiments to whom the same shall extend shall immediately proceed to enlist and enrol within their respective counties or counties of cities such volunteers, being able-bodied men not less than five feet four inches in height, and not more than forty-five years of age, as can be procured, giving to each man by way of bounty, any sum not exceeding the price of a substitute as aforesaid, one half of such bounty to be paid to every such volunteer at the time of his enrolling

bounty not to exceed the price of substitutes.

himself in any such regiment or battalion of militia, and the residue thereof to be paid to every such volunteer on his first appearance at the time and place to be appointed for the assembling or exercising of the regiment or battalion in which such volunteer shall be enrolled, which sum the said colonels or officers are hereby authorized to advance and pay to such volunteers in manner aforesaid; and it is hereby declared that the said sum to be paid to every man so enrolled and enlisted is over and above and altogether distinct from the marching guinea to which such man may be or become entitled. [Rep., Stat. Law Rev. Act, 1872. (No. 2).]

Lord lieutenant may require the Treasury to advance to the colonel one guinea per man for expenses in addition to the bounty and marching guinea.

CXXXIII. AND be it further enacted, that whenever any such orders shall be issued for enrolling volunteers it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to issue his or their order or orders to the lords commissioners of the Treasury of Ireland, requiring them to advance to the several colonels or commanding officers of the different regiments or battalions of militia in Ireland, for defraying the necessary expence of procuring and enrolling such volunteers, any further sum or sums of money which may be directed in any such order, not exceeding the rate of one pound one shilling for every private man who may be from time to time so enrolled, over and above the bounty and the marching guinea to which such volunteer may be entitled: Provided always, that no such volunteer shall be entitled to or receive any part of such further sum, nor any greater or higher bounty than as aforesaid.

No greater bounty shall be given.

CXXXIV. PROVIDED always, and be it enacted, that it shall not be lawful to or for any colonel or other commanding officer or officers of any regiment or battalion of militia, or to or for any other person or persons whatsoever in his or their behalf, to advance or to engage to advance or give any greater or larger sum of money than as aforesaid, or to give or promise or undertake to give any other or larger bounty or reward than the several sums aforesaid, for the purpose of inducing any man to enrol himself as a volunteer.

Volunteers shall be sworn as militia men.

CXXXV. AND be it further enacted, that every man so enrolled shall, in the presence of some one governor, deputy governor, justice of the peace, or magistrate acting for the county or city to which the regiment or battalion in which he shall be enrolled shall belong, take and subscribe the same oath as is herein-before directed to be taken by a substitute or volunteer in any regiment or battalion of the said militia.

Colonels shall transmit lists of volunteers and of sums paid to chief secretary's office.

CXXXVI. AND be it further enacted, that the several colonels or other commanding officer or officers shall keep or cause to be kept true and regular entries of the names, additions, places of residence, parish, and other descriptions of the persons they shall enrol as aforesaid, and the several sums which shall have been advanced and paid to such persons respectively, and shall transmit regular copies of such entries, certified by them respectively, as well as by the adjutant and paymaster of the regiment or battalion respectively, to the office of the chief secretary of the lord lieutenant or other chief governor or governors of Ireland.

Chief secretary shall transmit such lists to treasurers of counties, to be by them laid before grand juries, and presentments of the amount

CXXXVII. AND be it further enacted, that the said chief secretary shall cause copies of the returns of the men thus enrolled, and the sums advanced to such men respectively, to be transmitted to the several and respective treasurers for the several counties and counties of cities and towns in Ireland ten days at least previous to the then next ensuing general assizes which shall not commence within such ten days, or if to the treasurer of the county and city of Dublin, within fourteen days previous to the then next presenting

of bounty advanced shall be made accordingly.

term which shall not commence within such fourteen days; and the said several treasurers shall and they are hereby respectively required to lay the said returns before the judges of assize on the commission day of such assizes, or in the county and city of Dublin before the Court of King's Bench on the first day of such term, and before the respective grand juries for such counties or counties of cities and towns shall be sworn; and the said judges or the said court, as the case may be, shall and they are hereby required to give the same, except as herein-after excepted, in charge to the said grand juries, in order that the sums thus expended may be presented and raised off the said counties or counties of cities or towns, or any barony or baronies, parish or parishes therein respectively as such grand juries respectively shall think proper, which said presentments the said respective grand juries are hereby respectively authorized and required to make, unless the amount of the sum thus to be raised shall appear to the said respective grand juries too large to be raised at one assizes or at one presenting term within the respective counties or counties of cities or towns, in which case it shall and may be lawful for the said several grand juries, by and with the concurrence of the judges of the said assizes or the said court, to present any part of such sum, not less than one moiety thereof, at such assizes or terms, and the residue shall in like manner be given in charge and presented by the grand jury of such county or county of a city or town, or grand juries of such respective counties or counties of cities or towns, as the case may be, at the then next ensuing assizes or presenting term; and in case the grand jury of any county or county of a city or town shall, after the judges of the court shall have given the same in charge to them, omit, neglect, or refuse to present the same, then and in every such case it shall and may be lawful for the said judges of assize, or the Court of King's Bench respectively, and they are hereby respectively required, to order and direct the treasurer of such county or county of a city to include the whole of such sum, and return the same among the presentments of the county, so that the same shall be raised and levied forthwith; and it shall not be lawful to traverse any such presentment: Provided always, that within every county of a city and county of a town all sums so presented shall and may be raised by an assessment on houses and land, according to a valuation of the same respectively, in such manner as such grand jury shall from time to time order and direct.

Levying and payment of sums to be presented.

CXXXVIII. AND be it further enacted, that the several treasurers of the respective counties and counties of cities and towns as aforesaid shall collect and receive the said several sums, and shall forthwith pay the same to the collector of excise for such county or county of a city or town, or in case there shall be in any county two or more districts with two or more collectors respectively, or parts of such districts, then to the collector of that part of such county in which the county town is situate; and every such collector shall and he is hereby required to give a receipt for all sums of money that shall be so paid to him as aforesaid, and such receipt shall be lodged among the records of such county, and shall be a discharge and acquittance to such county for all such men as shall be so raised for the time for which they shall be so enrolled to serve as aforesaid, unless vacancies shall occur by death, desertion, or lawful discharge.

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The embodying of any militia may be suspended, &c.

CXL. PROVIDED always, and be it further enacted, that if it shall be deemed inexpedient by his Majesty or the lord lieutenant or other chief governor or governors of Ireland in council to raise, embody, or continue any regiment or battalion of militia in any county or city in Ireland, it shall be lawful for his Majesty or for the said lord lieutenant or other chief governor or governors of Ireland for the time being, by and with the advice of the Privy Council of Ireland, to forbid the raising or embodying of such regiment or battalion, and to stay all proceedings therein for such time as shall be deemed expedient, or to order that all or any of the said regiments or battalions shall be disembodied and wholly cease and determine; anything in this Act to the contrary in anywise notwithstanding.

Fine of 10*l.* per annum on counties, &c. for every man not raised.

CXLI. AND be it further enacted, that if it shall happen in any case that the number of militia men duly appointed or to be appointed to be raised for any regiment or battalion of militia of Ireland shall not be raised within three calendar months from and after the time when the same ought to be raised by ballot as aforesaid, or within four months from the date of the order for raising the same by enrolling volunteers, then and in every such case the county or county of a city or town in which such number of militia men ought to be raised shall be charged with the payment of the yearly sum of ten pounds for and in lieu of every private militia man so deficient; and upon proof on oath first laid by any governor or deputy governor of such deficiency before the judges of assize, or in the county or city of Dublin before the Court of King's Bench, it shall be lawful for such judge of assize and such court, and they are hereby respectively required, to fine the county or county of a city or town, or such district, baronies or barony, or parish or parishes thereof in which such neglect shall happen, in a sum after the rate of ten pounds for any private man so deficient, and to repeat the said fine annually so long as the said deficiency shall continue, which fine or fines shall be estreated into his Majesty's Exchequer and issued in process, and shall be duly levied by the sheriff or other officers respectively to whom such process shall be directed respectively [Rep., 53 Geo. 3. c. 48. s. 2.]; and it shall not be lawful for the barons of the Exchequer or commissioners of reducement on any account to take off, release, or reduce such fine or fines, or any parts thereof.

Fines shall be paid into the Treasury.

CXLII. AND be it further enacted, that all such fines and all other fines hereby imposed, when not otherwise expressly directed, shall, when levied, be paid into his Majesty's Treasury, and shall be kept separate and apart from all other money, and shall be accounted for yearly to Parliament; and no fee or gratuity whatsoever shall be given or paid to any officer of the Exchequer for or on account of receiving or issuing any such money: Provided always, that such money or any part thereof may be applied by or under the orders of the lord lieutenant or other chief governor or governors of Ireland for the time being, if he or they shall think proper, in providing substitutes or volunteers to serve in the militia for the counties, counties of cities, or district from which such fines respectively shall have accrued, by applying the same respectively, or in ease and diminution thereof, either in addition to the bounties hereinbefore mentioned respectively, or partly in the one way and partly in the other, in such manner as the lord lieutenant or other chief governor or governors of Ireland for the time being shall direct.

Fines may be applied under order of lord lieutenant in providing substitutes.

Penalties exceeding 20*l.* recoverable in a court of record; not exceeding 20*l.* before a justice.

CXLIII. AND be it further enacted, that in all cases where any other mode of proceeding is not hereby provided, all fines, penalties, and forfeitures by this Act imposed which shall exceed the sum of twenty pounds shall be recovered by action of debt, bill, plaint, or information in any of his Majesty's superior courts of record at Dublin, wherein no essoign, privilege or protection, wager of law, or more than one imparlance shall be allowed; and that all fines, penalties, and forfeitures by this Act imposed which shall not exceed the sum of twenty pounds shall, upon due proof of the offence before any justice of the peace of the county where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charge of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of such distress such justice is hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county where the offence shall have been committed, for any time not exceeding three months; and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise directed by this Act, shall be paid to the collectors of excise, and accounted for and paid over by them as all other monies received by them respectively.

Application of penalties.

Penalty on treasurers, clerks, &c. for neglect of duty.

CXLIV. AND be it further enacted, that if any treasurer of any county, any clerk of the peace, or any collector of his Majesty's revenue, or of any county or county of a city, barony, or half barony shall refuse or knowingly neglect to do any matter or thing required by this Act to be done by him, or shall wilfully omit to carry any of the provisions in this Act respecting himself or his office into execution, and shall be thereof convicted by information or indictment at the assizes or King's Bench in the county or county of the city of Dublin, he shall be fined any sum not exceeding one hundred pounds at the discretion of the court.

CXLV. AND be it further enacted, that all convictions made by any governor or deputy governor or justice of the peace under this Act shall be in the form here following, or in some other form to that or the like effect; that is to say,

Form of conviction.

'BE it remembered, that on the day of in the year at in the county [or county of a city or town] of A.B. of was convicted before me, E.F., the governor [or one of the governors, or one of the deputy governors, or of the justice of the peace] of the said county [or county of a city], for that on the day of at in the said where the said A.B. did [here state the offence]. In witness whereof I the said E.F. have hereunto set my hand and seal this day of in the year of our Lord

Which conviction or any other form of conviction to that or the like effect shall be good, valid, and effectual in law without setting out the evidence or stating any other matter more particularly or otherwise than as aforesaid.

Convictions shall not be removed by certiorari.

CXLVI. AND be it further enacted, that no order or conviction made by any governor or governors or by any justice or justices of the peace under or by virtue of this Act shall be removed by certiorari or other writ or process out of the county, city, or place wherein such order or conviction was made

into any of his Majesty's superior courts of record in Dublin; and that no writ of certiorari or other writ shall supersede any execution or other proceedings upon any such order or conviction so made in pursuance of this Act, but that the execution shall be made thereupon, any such writ or writs or allowance thereof notwithstanding. Certiorari shall not stay execution.

CXLVII. AND be it further enacted, that if any action shall be brought against any person or persons for anything done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, ... ; and in any such action or suit, if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law. [Rep., 5 & 6 Vict. c. 97. s. 2.] Limitation of actions, &c.

CXLVIII. AND be it further enacted, that in all cases in the execution of this Act when any matter or thing is directed to be enquired of or examined into upon the oath or affirmation of any witness or witnesses before any governor of any county or any deputy governor or governors or justice or justices of the peace, they and every of them is and are hereby respectively authorized to administer such oath or affirmation to any witness or witnesses; and that all other oaths or affirmations to be taken in pursuance of this Act shall and may be respectively administered by any governor or deputy governor; and every person who shall knowingly or willingly take any false oath or affirmation in any matter required by this Act, and be thereof convicted, shall suffer the penalties of wilful and corrupt perjury. Governors, &c. may administer oaths. Taking false oaths, perjury.

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SCHEDULES to which this Act refers.

SCHEDULE (A.)

County of

RETURN of all Male Persons residing within the Parish of between the Age of Sixteen and Forty-five Years.

Names or Common Appellation.	Reputed Age.	Street and Place of Abode.	Trade or Occupation.	Exemption, if any, and what.	If married, No. of Children under 14 Years of Age.	Observations.

SCHEDULE (B.)

County of

RETURN of Persons fit or liable to serve in the Militia for the County of

Names of Parishes.	Number fit.	

SCHEDULE (C.)

County of

RETURN of Men enrolled to serve for the Militia for the Subdivision of Parish of

Names of Men.			Date of Enrolment.	Where residing.	Trade.	Age.	Size.	Observations.
Principals.	Substitutes.	Volunteers.						

CHAPTER CXXIV.

AN ACT for altering, amending, and explaining certain Acts relative to the Removal of the Poor, and for making Regulations in certain Cases touching the Examination of Paupers as to their Settlement; and for extending to all Parishes certain Rules and Orders in Workhouses under an Act of the Twenty-second Year of His present Majesty, intituled "An Act for "the better Relief and Employment of the Poor." [20th June 1809.]

WHEREAS by an Act passed in the thirty-fifth year of the reign of his present Majesty, intituled "An Act to prevent the removal of poor per- 35 Geo. 3. c. 101.
"sons until they shall become actually chargeable," it is amongst other things enacted that in case any poor person shall be brought before any justice or justices of the peace for the purpose of being removed from the place where he or she is inhabiting or sojourning by virtue of any order of removal, or of being passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal or granting such vagrant pass are required and authorized to suspend the execution of the same until they are satisfied that it may safely be executed without danger to any person who is the subject thereof, and that the charges proved upon oath to have been incurred by such suspension of any order of removal may by the said justices be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order; and by the same Act it is further enacted, that in case of an appeal against any order for the payment of such charges, if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is thereby directed to strike out the sum contained in the said order, and insert the sum which in the judgement of such court ought to be paid; and in every such case the court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made or either of them, or in case of the death of either of them, by such other justice or justices as the court shall direct: And whereas it is expedient that the power of putting an end to the suspensions of any such order of removal or pass and of executing the several or other authorities aforesaid should not be confined to the order of the justice or justices making such order or pass: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, in all cases wherever the execution of any order of removal or of any vagrant pass shall be hereafter suspended by virtue of the said recited Act, it shall be lawful for any other justice or justices of the peace of the county or other jurisdiction within which such removal or pass shall be made to direct and order that the same shall be executed, and to direct the charges to be incurred as aforesaid to be paid, and to carry into execution any such amended orders as aforesaid, as fully and effectually to all intents and purposes as the said respective powers

In all cases where any order of removal or vagrant pass shall be suspended, any other justice of the county or place where such removal or pass shall be made

may order the same to be executed, &c.

and authorities can or may be executed by the said justices who shall make any such order of removal, or by the justice who shall grant any such pass as aforesaid.

How the time of appealing shall be computed.

II. AND be it further enacted, that when the execution of any such order of removal shall be suspended the time of appealing against such order shall be computed, according to the rules which govern other like cases, from the time of serving such order, and not from the time of making such removal under and by virtue of the same.

III. AND, in order to avoid any pretence for forcibly separating husband and wife, or other persons nearly connected with or related to each other, and who are living together as one family at the time of any order of removal made or vagrant pass granted, during the dangerous sickness or other infirmity of any one or more of such family, on whose account the execution of such order of removal or vagrant pass is suspended, be it further enacted and declared, that where any order of removal or vagrant pass shall be suspended by virtue of this or of the said recited Act on account of the dangerous sickness or other infirmity of any person or persons thereby directed to be removed or passed, the execution of such order of removal or vagrant pass shall also be suspended for the same period with respect to every other person named therein, who was actually of the same household or family of such sick or infirm person or persons at the time of such order of removal made or vagrant pass granted.

Order of removal, &c. suspended in case of sickness, &c. shall be suspended as to all persons of the same family named therein, to prevent their separation.

Any magistrate may take the examination of an infirm pauper as to his settlement, and report to petty sessions.

IV. AND be it further enacted, that whenever it shall happen that any pauper is by age, illness, or infirmity unable to be brought up to the petty sessions to be examined as to his or her settlement, it shall be lawful for any one magistrate acting for the district where such pauper shall be to take the examination of the said pauper, and to report the same to any other magistrate or magistrates acting for the said district, and for the said magistrates upon such report to adjudge the settlement of the said pauper, and make and suspend the order of removal, as fully and effectually to all intents and purposes as if the said pauper had appeared before two magistrates.

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CHAPTER CXXVI.

AN ACT for the further Prevention of the Sale and Brokerage of Offices.

[20th June 1809.]

5 & 6 Ed. 6. c. 16.

WHEREAS an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled "Against buying and selling of offices": And whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of

justice, or the receipt, controlment, or payment of any of the King's Highness treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the King's Majesty's honors, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of court of record wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: And whereas it was in the said Act provided that the said Act or anything therein contained should not in anywise extend to any office or offices whereof any person or persons was or should be seised of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: And whereas it was by the said Act further provided, that if any person or persons did thereafter offend in anything contrary to the tenor and effect of the said Act, yet that notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be for-

feited or not occupied or not enjoyed by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: And whereas it was by the said Act further provided, that the said Act, or anything therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the chief justices of the King's courts, commonly called the King's Bench or Common Place, or to any of the justices of assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the said Act and all the provisions therein contained shall extend and be construed to extend to Scotland and Ireland, and to all offices in the gift of the crown or of any office appointed by the crown, and all commissions civil, naval, or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments, in the respective departments or offices or under the appointment or superintendance and controul of the lord high treasurer or commissioners of the Treasury, the secretary of state, the lords commissioners for executing the office of lord high admiral, the master general and principal officers of his Majesty's ordnance, [Rep., Stat. Law Rev. Act, 1872 (No. 2).] the commander in chief, the secretary at war, the paymaster general of his Majesty's forces, the commissioners for the affairs of India, the commissioners of the excise, the treasurer of the navy, the commissioners of the navy, the commissioners for victualling, the commissioners of transports, the commissary general, the storekeeper general, [Rep., Stat. Law Rev. Act, 1872 (No. 2).] and also the principal officers of any other public department or office of his Majesty's government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or controul of the United Company of Merchants of England trading to the East Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act and all the clauses and provisions therein respectively contained shall be construed as one Act, as if the same had been herein repeated and re-enacted.

Provisions of recited Act extended to other offices.

II. PROVIDED always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

When right forfeited, appointment to go to his Majesty.

III. AND be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract,

Persons buying or selling offices, or receiving or paying money or rewards for

bond, or assurance, or shall by any way, device, or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward or profit, or shall by any way, means, or device contract or agree to give or pay any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any office, commission, place or employment specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices of any person or persons to any such appointment, nomination, or resignation, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

offices, guilty of a misdemeanor.

IV. AND be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond or assurance, or by any way, means, or device contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negotiation whatever made or to be made or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negociation, in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negociation in or about any such nomination, appointment, deputation or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond or assurance, or by any way, means, or device contract or agree or give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit for any solicitation, petition, request, recommendation or negociation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall for or in expectation of gain, fee, gratuity, loan of money, reward, or profit solicit, recommend, or negociate in any manner for any person or persons in any matter that shall

Persons receiving or paying money for soliciting offices, or for any negociations or pretended negociations relating thereto, guilty of a misdemeanor.

in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment or deputation, or resignation aforesaid; then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

V. AND whereas, on the pretence of negociating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negociating the same and advertisements may be published by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on: Be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negociating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any publick department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Penalty on persons advertising such houses, or the names of brokers or agents.

VI. AND be it further enacted, that if any person or persons shall advertise or publish or cause or procure to be advertised, or in any manner published any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish or cause or procure to be advertised or published the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's courts of record at Westminster as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's courts in Scotland as to offences committed in Scotland respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

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Act not to extend to offices excepted in former Act, &c.

IX. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life, ...

Act not to extend to deputations where it is lawful to appoint depu-

X. PROVIDED also, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prevent or make void any deputation to any office in any case in which it is lawful to appoint a

deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively out of the fees or profits of such office.

ties, or to agreements as to payment of principal or deputy out of the fees.

XI. PROVIDED also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: Provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office and paying or securing such money as aforesaid.

Act not to extend to annual payments out of the fees of any office to any former holder;

amount of and reasons for such payment to be stated.

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XIII. PROVIDED always, and be it enacted, that every person who shall commit in Scotland any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the judge or judges before whom such offender shall be tried and convicted may direct.

Manner of punishing offenders in Scotland.

XIV. AND be it further enacted, that all offences committed against the provisions of the said recited Act and this Act by any governor, lieutenant governors, or persons having the chief command, civil or military, in any of his Majesty's dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and enquired of and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad may be prosecuted and enquired of under the provisions of an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act for the trying and punishing in Great "Britain persons holding public employments for offences committed abroad; "and for extending the provisions of an Act passed in the twenty-first year "of the reign of King James, made for the ease of justices and others in "pleading in suits brought against them, to all persons, either in or out of "this kingdom, authorized to commit to safe custody."

Offences committed abroad shall be tried in King's Bench,

under 42 Geo. 3. c. 74.

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50 GEORGE III. A.D. 1810.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JUNE, A.D. 1807,
IN THE FORTY-SEVENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-THIRD DAY OF JANUARY, A.D. 1810,
BEING THE FOURTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XXXI.

AN ACT for augmenting the Salaries of the Lords of Session, Lords Commissioners of Justiciary, and Barons of Exchequer in Scotland, and Judges in Ireland. [18th May 1810.]

39 Geo. 3. c. 110. WHEREAS an Act was passed in the thirty-ninth year of the reign of his present Majesty, intituled "An Act for the augmentation of the salaries of the judges "of the courts in Westminster Hall; and also of the lords of Session, lords commis- "sioners of Justiciary, and barons of Exchequer in Scotland; and for enabling his "Majesty to grant annuities to persons in certain offices in the said courts in West- "minster Hall on the resignation of their respective offices": And whereas another 39 & 40 Geo. 3. c. 55. Act was passed in the thirty-ninth and fortieth years of the reign of his present Majesty to amend so much of the said in part recited Act as relates to the salaries of the judges of the courts of Session, Justiciary, and Exchequer in Scotland: And 49 Geo. 3. c. 127. whereas another Act was passed in the last session of Parliament, intituled "An Act "for further augmenting the salaries of certain of the judges of the courts in West- "minster Hall, and of the chief and second justice of Chester, and justices of the great "sessions in Wales": And whereas an Act was passed in the Parliament of Ireland Irish Act, 36 Geo. 3. c. 26. in the thirty-sixth year of the reign of his present Majesty, intituled "An Act for "increasing the salaries of the chief justices and other judges of his Majesty's Courts "of King's Bench and Common Pleas, and of the chief baron and other barons of the "Court of Exchequer in this kingdom": And whereas it is expedient that a further augmentation should be made in the salaries of the lords of Session, lords commissioners of Justiciary, and barons of Exchequer in Scotland, and also in the salaries of the puisne judges of the Courts of King's Bench and Common Pleas, and the puisne barons of the Court of Exchequer in Ireland: We your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said recited Acts passed in the thirty-ninth and the thirty-ninth and fortieth years and thirty-sixth year of the reign of his present Majesty as relates to the amounts of the sums to be paid as salaries respectively to the lords of Session, lords commissioners of Justiciary, and barons of the Exchequer in Scotland shall be and the same are hereby repealed. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

So much of recited Acts as relate to the amount of salaries to the lords of Session, &c. repealed.

Salaries to be paid to the judges of the Court of Session in Scotland.

II. AND be it further enacted, that from and after the passing of this Act there shall be issued, paid, and applied in every year out of the monies that shall arise from any of the duties and revenues in that part of Great Britain called Scotland, which, by several Acts made in the seventh and tenth years of the reign of Queen Anne, were charged or made chargeable with the fees, salaries, and other charges allowed or to be allowed by her Majesty, her heirs

or successors, for keeping up the courts of Session, Justiciary, and Exchequer in Scotland, to the judges in Scotland after mentioned, so much money as will make up their respective salaries to the annual sums herein-after mentioned; videlicet, to the lord president of the Court of Session, four thousand three hundred pounds; to each of the other lords of Session, who is not lord justice clerk, or a lord commissioner of Justiciary, two thousand pounds; to the lord justice clerk now presiding in the second division of the Court of Session, four thousand pounds; to each of the lords of Session who are lords commissioners of Justiciary, two thousand six hundred pounds; to the lord chief baron of the Court of Exchequer, four thousand pounds; and to each of the barons of the Court of Exchequer, two thousand pounds [Rep., Stat. Law Rev. Act, 1872 (No. 2).]; which said sums of money to be issued in pursuance of this Act shall from time to time from thenceforth be payable and paid quarterly, clear from all taxes and deductions whatsoever (except the duty chargeable by an Act passed in the forty-sixth year of the reign of his present Majesty, intituled "An Act for "granting to his Majesty during the present war and until the sixth day of "April after the ratification of a definitive treaty of peace further additional "rates and duties in Great Britain on the rates and duties on profits arising "from property, professions, trades, and offices; and for repealing an Act "passed in the forty-fifth year of his present Majesty for repealing certain "parts of an Act made in the forty-third year of his present Majesty for "granting a contribution on the profits arising from property, professions, "trades, and offices; and to consolidate and render more effectual the pro-"visions for collecting the said duties)."

Salaries to be payable quarterly free from all taxes except the duty charged by 46 Geo. 3. c. 65.

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V. AND be it further enacted, that the said several recited Acts and all clauses, provisions, rules, regulations, matters, and things therein contained (so far as the same are applicable, and are not hereby altered) shall be in force and applied to carry into effect the purposes of this Act.

Provisions of recited Acts to extend to this Act.

CHAPTER XXXIII.

AN ACT for enabling Tenants in Tail and for Life and also Ecclesiastical Persons to grant Land for the Purpose of endowing Schools in Ireland.

[24th May 1810.]

WHEREAS by an Act of Parliament passed in Ireland in the fifth year of the reign of his late Majesty King George the Second, intituled "An "Act for the further explaining and amending the several laws for preventing "frauds committed by tenants, and for the more easy renewal of leases, and "for the further amendment of the law in certain cases therein mentioned," it is amongst other things enacted, that it shall and may be lawful for all persons whatsoever seised in fee simple, fee tail, or for life in possession in any lands, with immediate remainder to his, her, or their own issue, by his, her, or their deeds respectively, to grant any part of such lands not exceeding one acre plantation measure of the yearly value of thirty shillings, and being no part of the demesne lands usually occupied with or reputed as demesne to the mansion or chief dwelling house belonging to such tenant in fee simple, fee tail, or for life, for the use of a resident Protestant schoolmaster to teach

Irish Act, 5 Geo. 2. c. 4.

the English tongue, and that the minister and churchwardens and their successors for ever of each respective parish where such acre of land is or shall be so granted or set apart shall be empowered and made capable of receiving such grant or grants of land not exceeding one acre plantation measure for the use of such English resident Protestant schoolmaster to teach the English tongue, and to no other intent or use whatever: And whereas the provisions of the said Act in that respect have been found insufficient: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for all persons whatsoever seised of any lands in fee simple, fee tail, or for life in possession, with immediate remainder to his, her, or their issue of any interest in lands, by his or their deeds respectively to grant any part of such lands not exceeding half an acre Irish plantation measure within the liberties of any city or corporate town in Ireland, nor two acres Irish plantation measure in any other part of Ireland, of whatever yearly value the same may be, and being no part of the demesne lands usually occupied with or reputed as demesne to the mansion or chief dwelling house belonging to such tenant in fee tail or for life, to any person or persons, body or bodies corporate, whether aggregate or sole, who shall be approved of for that purpose by the bishop of the diocese in which such lands lie, and to his and their heirs or successors in fee simple, or for any lesser interest, such approbation to be expressed by such bishop being a party to and signing and sealing such deed, in trust and for the use of a resident schoolmaster, and subject to such conditions respecting the mode of appointing such schoolmaster and his successors, and the plan of education and regulation of such school and its concerns, as shall be specified in such deed, or as shall afterwards be agreed on by and between the person or persons so making such grant of land, or his or their heirs, on the one part, and all and every or any person or persons, body or bodies politic or corporate, their heirs or successors, on the other part, who shall advance or shall have advanced any of his or their money or any part of the funds entrusted to their management to the amount of not less than one hundred pounds sterling, either for the building of a school house on the lands so granted, or for the endowment of the schoolmaster.

Land owners may grant land not exceeding half an acre within a corporate town, or two acres elsewhere, for the endowment of schools, &c.

II. AND be it further enacted, that it shall and may be lawful in like manner for every archbishop and bishop, and dean or dean and chapter, archdeacon, or other ecclesiastical dignitary, prebendary, rector, vicar, and all other ecclesiastical persons, with the consent of the archbishop or bishop of their respective dioceses, to make an absolute grant by deed or deeds under their respective hands and seals of any quantity of land to any of them respectively belonging in right of their respective archbishopricks, bishopricks, and other ecclesiastical dignities, or as glebe or otherwise, not exceeding one acre, to any person or persons, body or bodies politic or corporate, who shall be approved of by such archbishop or bishop, the consent and approbation of such archbishop or bishop to be expressed by his being a party to and signing and sealing such deed, in trust for the use of a resident schoolmaster, and subject to such conditions respecting the mode of appointing such schoolmaster, and the plan of education and regulation of such school, as is herein-

Ecclesiastical persons may with consent of diocesan grant an acre of land for the same purpose.

before mentioned and expressed with respect to such grant by other persons herein-before mentioned.

III. PROVIDED always, and be it enacted, that no grantees or lessees or his or their heir or heirs successor or successors shall be qualified to vote at the election of any member to serve in Parliament, as a freeholder, by virtue of any grant or lease made by virtue of this present Act. Grantees not entitled to vote at elections in respect of such lands.

CHAPTER XLI.

AN ACT for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches. [2d June 1810.]

WHEREAS it is expedient that the powers and provisions contained in any Acts of Parliament relating to the duties upon hawkers and pedlars should be brought together into one Act, and that the said duties should be placed under the management of the commissioners of hackney coaches: . . .

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V. AND be it further enacted, that nothing herein contained shall extend or be construed to extend to hinder any person or persons from selling or exposing to sale any sorts of goods or merchandise in any public mart, market, or fair legally established within the kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed; but such person or persons may do therein as they lawfully might have done before the making of this Act, anything herein contained to the contrary notwithstanding. Goods may be exposed to sale in public markets.

VI. AND be it enacted, that from and after the said first day of August there shall be raised, answered, and paid to and for the use of his Majesty, his heirs and successors, the rates and duties following; that is to say, by every hawker, pedlar, petty chapman, and every other trading person and persons going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in England, Wales, or the town of Berwick-upon-Tweed, carrying to sell or exposing to sale any goods, wares, or merchandise, a duty of four pounds for each year; and every person so travelling with a horse, ass, or mule, or other beast bearing or drawing burden, the sum of four pounds yearly for each beast he or she shall so travel with, over and above the said first-mentioned duty of four pounds. [Rep., Stat. Law Rev. Act, 1872 (No. 2).] Duties to be paid by hawkers.

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IX. AND be it further enacted, that every hawker, pedlar, and petty chapman subject to the duties hereby imposed shall annually take out a licence in the manner herein-after mentioned, which licence shall continue in force for such time and times as are herein-before respectively provided in that behalf. [Rep., Stat. Law Rev. Act, 1872 (No. 2).] Hawkers to take out licences annually;

X. AND be it further enacted, that from and after the said first day of August every hawker, pedlar, petty chapman, and other trading person or persons so travelling as aforesaid shall at the time of receiving his or her licence as hereafter mentioned, and without any discount whatsoever, pay all duties granted or made payable by or imposed upon him or her respectively to the commissioners for the time being for licensing and regulating hackney coaches, or some person or persons in that behalf authorized or deputed by them or the major part of them in writing under their hands and seals; and upon payment thereof, and not otherwise, a licence shall be granted to such person, subscribed by the said commissioners for the time being or any one of them, for him or her to travel and trade according to the true intent and meaning of this Act, and according to the duties which shall then be paid upon receiving such licence. [Rep., Stat. Law Rev. Act, 1872 (No. 2).] and pay the duties to the commissioners of hackney coaches, who shall thereupon grant licences.

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Hawkers, before they are licensed, to produce certificates of their good character.

XII. AND be it enacted, that before any person or persons shall receive any licence to trade or travel as aforesaid, every such person or persons shall produce to the commissioner or commissioners for licensing and regulating hackney coaches, or their deputy or deputies appointed for licensing hawkers, pedlars, petty chapman, and other trading persons as aforesaid, a certificate signed by some one clergyman officiating within the parish, chapelry, or place wherein such person so applying for such licence has his usual residence, and also by two reputable inhabitants of the said parish, chapelry, or place, attesting that the person so applying is of good character and reputation, and is a fit person to be licensed to exercise the trade of a hawker, pedlar, and petty chapman.

Form of certificate.

XIII. AND be it further enacted, that the certificate so to be produced as aforesaid shall be in the form or to the effect following:

'WE, A.B. the minister, and C.D. and E.F. being two householders residing at , in the parish, chapelry, or otherwise [as the case may be,] of in the county of , do hereby certify, that G.H. has been known to us for the space of years last past, and during all that time hath usually resided in the said parish, chapelry, or otherwise [as the case may be,] of , and is a person of good character and reputation, and is a fit person to be licensed to exercise the trade of a hawker, pedlar, and petty chapman. Dated the day of

'A.B. Minister.
'C.D. }
'E.F. } Householders.'

Packages of hawker to have the words 'licensed hawker,' &c. put thereon.

XIV. AND be it further enacted, that every person to whom any such licence as aforesaid shall be granted under or by virtue of this Act, and who shall trade with or under colour of such licence, shall cause to be written, painted, or printed, in large legible Roman capitals upon the most conspicuous part of every pack, box, bag, trunk, case, cart, or waggon, or other vehicle or conveyance in which he or she shall carry his or her goods, wares, and merchandise, and of every room and shop in which he or she shall so trade, and likewise upon every handbill or advertisement which he or she shall give out, distribute, or publish, the words 'licensed hawker,' together with the number, name, or other mark or marks of distinction so written or printed upon his or her licence as aforesaid; and that every such person in any respect making default herein shall forfeit for every offence the sum of ten pounds.

Penalty on persons not licensed using such words.

XV. AND be it further enacted, that if at any time from and after the said first day of August any person, other than to whom such licence shall have been so granted as aforesaid, shall write, paint, or print, or cause to be written, painted, or printed, or kept or continue written, painted, or printed upon any pack, bag, box, trunk, case, cart, waggon, or other vehicle or conveyance for any goods, wares, or merchandise, or in any room or shop in which he or she shall sell or expose to sale or keep for sale any goods, wares, or merchandise, the words licensed hawker or licensed pedlar, or any other word or words to that effect, every person so offending herein shall forfeit for each offence the sum of ten pounds.

Hawkers dealing in smuggled goods shall

XVI. AND be it further enacted, that if any hawker, pedlar, petty chapman, or other trading person as aforesaid shall from and after the said first day of

August be convicted of knowingly dealing in, vending, or selling any kind of smuggled, contraband, or prohibited goods, wares, or merchandise, or knowingly dealing in, vending, or selling any goods, wares, or merchandise fraudulently or dishonestly procured, either by themselves, or through the medium of others with their privity and knowledge, every such hawker, pedlar, petty chapman, or trading person shall from and after such conviction forfeit his or her licence, and for ever thereafter be incapable of obtaining or holding any new licence, or dealing, trafficking, or trading under the same, and that over and above all such forfeitures and incapacities, fines and penalties, to which he or she is or shall be by law subject and liable for such illicit and illegal trafficking and dealing. forfeit their licences, &c.

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XVIII. AND be it further enacted, that if any person or persons whatsoever shall forge or counterfeit any licence or licences by this Act directed to be granted, or travel with or produce or show any such forged or counterfeited licence or licences for any of the purposes aforesaid, every such person shall for every such offence forfeit the sum of three hundred pounds, to be recovered and applied as herein-after directed. Penalty on persons forging or using forged licences, 300*l.*

XIX. AND be it further enacted, that in case any person shall let out or hire or lend any licence to him or her granted as aforesaid, or shall trade with or under colour of any licence granted unto any person whatsoever, or of any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, the person letting out to hire or lending any such licence, and the person so trading with or under colour of any licence granted to any other person, or any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, shall each of them forfeit the sum of forty pounds, to be recovered and applied as herein-after mentioned; and in case any person shall be convicted or have judgment against him for lending his or her licence to any other person or persons contrary to this Act, such his or her licence shall be from henceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid: Provided always, that nothing herein contained shall subject to the said penalty any servant travelling for a licensed master with the licence of such master, and for his benefit, or any licensed master sending such servant to travel with such licence. Penalty on persons hiring or lending licences. Not to extend to servants of licensed masters.

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XXIII. PROVIDED always, and it is hereby enacted, that nothing in this Act shall extend to prohibit any person or persons from selling any printed papers licensed by authority, or any fish, fruit, or victuals, nor to hinder the real worker or workers or maker or makers of any goods, wares, or manufactures of Great Britain, or his, her, or their children, apprentices, or known agents or servants usually residing with such real workers or makers only, from carrying abroad or exposing to sale, and selling by retail or otherwise, any of the said goods, wares, or manufactures of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town [Rep., Stat. Law Rev. Act, 1872 (No. 2).], nor any tinkers, coopers, glaziers, plumbers, harness menders, or other persons usually trading in mending kettles, Act not to affect persons selling certain articles, nor tinkers, &c.

tubs, household goods, or harness whatsoever, from going about and carrying with him or them proper materials for mending the same.

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CHAPTER XLIX.

AN ACT to amend the Laws for the Relief of the Poor, so far as relate to the examining and allowing the Accounts of Churchwardens and Overseers by Justices of the Peace. [9th June 1810.]

43 Eliz. c. 2. WHEREAS by an Act made in the forty-third year of the reign of her late Majesty Queen Elizabeth, intituled "An Act for the relief of the poor," it is enacted that churchwardens and overseers of the poor of every parish shall within four days after their year and after other overseers nominated make and yield up to two justices of the peace a true and perfect account of all sums of money by them received, or rated and sessed and not received, and

17 Geo. 2. c. 38. of all other things concerning their said office: And whereas by an Act made in the seventeenth year of his late Majesty King George the Second, for remedying some defects in the said recited Act made in the forty-third year of the reign of Queen Elizabeth, it is enacted that the churchwardens and overseers of the poor shall yearly and every year, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers a just, true, and perfect account in writing, under the hands of the churchwardens and overseers directed to account, of all sums of money by them received, or rated and assessed and not received, and of all other things concerning their said office; which said account shall be verified by oath, or by the affirmation of persons called Quakers, before one or more of his Majesty's justices of the peace, which said oath or affirmation such justice or justices is and are by the said Act authorized and required to administer, and to sign and attest the caption of the same at the foot of the said account: And whereas it is expedient that two or more justices should be empowered to examine and correct and to allow and approve every such account before the same shall be signed and attested: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where any such account is required to be made and yielded, and to be signed and attested as aforesaid by virtue of the said last recited Act, every such account shall be submitted by the churchwardens and overseers to two or more justices of the peace of the county, dwelling in or near the parish or place to which such account shall relate, at a special sessions for that purpose to be holden within the fourteen days appointed by the said last recited Act for delivering in such account; and such justices shall and they are hereby authorized and empowered, if they shall so think fit, to examine into the matter of every such account, and to administer an oath or affirmation to such churchwardens and overseers of the truth of such account, and to disallow and strike out of every such account all such charges and payments as they shall deem to be unfounded, and to reduce such as they shall deem to be exorbitant, specifying upon or at the foot of such account every such charge or payment and its amount, so far as such justices shall disallow or reduce the same, and the cause for which the same

Accounts of outgoing churchwardens and overseers of the poor to be submitted by them to two or more justices at a special sessions to be held for that purpose.

is disallowed or reduced; and it shall be lawful for such two or more justices, and they are hereby required, to signify their allowance and approbation of any such account under their hands, and to sign and attest the caption of the same at the foot of such account in manner directed by the said last-recited Act: And in case such churchwardens and overseers or any of them shall refuse or neglect to make and yield up or to submit such account, or to verify the same by oath as aforesaid, or to deliver over to their successors within ten days from the signing and attesting such accounts any goods, chattels, or other things which on the examination and allowance of such account in manner aforesaid shall appear to be remaining in the hands of such churchwardens or overseers, it shall and may be lawful for any two or more justices of the peace to commit him, her, or them to the common gaol until he, she, or they shall have made and yielded such account, and verified the same as aforesaid, or shall have delivered over such goods, chattels, and other things which shall appear to be so remaining in his, her, or their hands as aforesaid; and in case such churchwardens and overseers or any of them shall refuse or neglect to pay to their successors within fourteen days from the signing and attesting such account any sum or sums of money or arrearages which on the examination and allowance of such account in manner aforesaid shall appear or be found to be due and owing from such churchwardens or overseers or any of them, or remaining in their hands, it shall and may be lawful for the subsequent churchwardens and overseers by warrant from any two or more justices of the peace to levy all such sum and sums of money by distress and sale of the offenders goods, rendering to the parties the overplus; and in default of such distress it shall be lawful for any such two justices of the peace to commit the offender or offenders to the common gaol of the county, there to remain without bail or mainprize until payment of such sum or sums of money or arrearages as aforesaid.

Penalty for neglect, &c.

II. PROVIDED always, and be it enacted, that if such churchwardens or overseers or any of them shall feel themselves, himself, or herself aggrieved by the disallowance or reduction of any such charges or payments, and be desirous of appealing against any order in that respect made by any such two or more justices of the peace, it shall and may be lawful for him, her, or them to enter an appeal against such order, at the next general or quarter sessions to be holden next after the tenth day from the making of such order, he, she, or they having first paid or delivered over to the succeeding churchwardens and overseers such sum and sums of money, goods, chattels, and other things as on the face of the account which shall have been submitted by him, her, or them to such two or more justices in manner aforesaid shall appear and be admitted to be due and owing from him, her, or them, or remaining in his, her, or their hands, and having also entered into a recognizance before one or more such justice or justices, with two sufficient securities to be approved of by such justice or justices before whom such recognizance shall be acknowledged, in not less than double the sum or value in dispute, to enter such appeal at such next general or quarter sessions, and abide by such order as shall at that or any subsequent sessions be made on such appeal; and it shall and may be lawful for the justices of the peace assembled at such general or quarter sessions, on proof of the matters aforesaid, and on the production of such recognizance and proof of the same having been duly entered into, to adjourn

Churchwardens, &c. may appeal to quarter sessions, against decisions of justices.

such appeal if they shall see occasion, or to hear the same, and to examine into and to confirm or reverse such disallowance or reduction in the whole or in part, as to such justices at such sessions shall seem just; and in any such case the said justices at such sessions may (if they shall think fit) make an order that such churchwardens and overseers shall have the costs by them incurred upon any such appeal defrayed out of the poor rates of the parish or place; and the order of the general quarter sessions in execution of the powers given to them by this Act shall be binding on all parties.

Appeals against accounts may also be made by other persons.

III. PROVIDED also, and be it enacted, that nothing herein contained shall take away or be construed to take away any power of appeal against any such account by any other person entitled to appeal against the same by virtue of the said recited Acts or either of them.

Mayors and magistrates of towns corporate shall have the same jurisdiction therein as justices in counties.

IV. AND be it further enacted, that every mayor, bailiff, or other head officer of every town and place corporate and city in Great Britain, or any two magistrates of such town or place corporate or city, being justice or justices of peace respectively, shall have the same authority by virtue of this Act within the limits and precincts of their jurisdictions as is by this Act limited, prescribed, or appointed to justices of the peace of the county or any two or more of them for the execution of this Act; subject nevertheless to an appeal to the general or quarter sessions in every such town or place corporate or city respectively as aforesaid: Provided always, that in any town or place corporate or city where there are not four justices of the peace, it shall and may be lawful for any person or persons where an appeal is given by this Act to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding, or division wherein such town or place corporate or city is situate.

When appeal may be made to quarter sessions of county.

Proceedings of justices not removeable by certiorari.

V. AND be it further enacted, that no certiorari shall be granted to remove any order or proceeding of any general or quarter sessions or of any justices made or had under this Act into any superior court of record; but that all orders and proceedings of such sessions and all orders and proceedings of such justices (subject to such appeal as aforesaid) under this Act shall be final and conclusive to all intents and purposes.

Act not to extend to churchwardens, &c. exempted from accounting under the recited Acts.

VI. PROVIDED also, and be it enacted, that nothing in this Act contained shall extend or apply or be construed to extend or apply to the accounts of any churchwarden or overseer of the poor in any parish or place where, by the provisions of any Act or Acts relating to the poor of such parish or place, or by the construction of any such Act or Acts, such churchwardens and overseers are exempted from the rendering the accounts required by the herein-before recited Acts of the forty-third year of the reign of her late Majesty Queen Elizabeth, and of the seventeenth year of the reign of his late Majesty King George the Second, or either of them; anything herein-

Nor to the city of London.

before contained to the contrary notwithstanding: Provided also, that nothing in this Act contained shall extend or be construed to extend to the city of London.

Recited Acts, unless where it is hereby expressly mentioned, not to be affected.

VII. PROVIDED also, and be it enacted, that nothing in this Act contained shall alter or repeal any of the provisions or regulations contained in the said recited Acts of the forty-third year of the reign of her late Majesty Queen Elizabeth, and of the seventeenth year of the reign of his late Majesty King

George the Second or either of them, other than and except only such provisions or regulations as are expressly mentioned in this Act, and so far as the same are expressly amended or altered by this Act.

CHAPTER LVI.

AN ACT to explain and amend an Act passed in the last Session of Parliament for continuing and making perpetual several Duties of One Shilling and Sixpence in the Pound, repealed by an Act of the last Session of Parliament on Offices and Employments of Profit, and on Annuities, Pensions, and Stipends. [9th June 1810.]

WHEREAS by an Act passed in the seventh year of the reign of his late Majesty King George the First, intituled "An Act for raising a sum not exceeding five hundred thousand pounds by charging annuities at the rate of five pounds per centum per annum upon the civil list revenues till redeemed by the crown; and for enabling his Majesty, his heirs or successors, (by causing such a deduction to be made as therein is mentioned) to make good to the civil lists the payments which shall have been made upon the said annuities; and for borrowing upon certain lottery tickets; and for discharging the corporations for assurances of part of the money which they were obliged to pay to his Majesty; and for making good a deficiency to the East India Company," it was among other things enacted that it might be lawful for his Majesty to cause a deduction to be made not exceeding sixpence in the pound out of all monies which after the first day of August should be paid for or upon all pensions and annuities payable upon any of the said hereditary or temporary duties, for and upon all salaries, fees, and wages payable for or in respect of offices of profit granted by or derived from the crown, with certain exceptions therein particularly specified: And whereas by another Act passed in the twelfth year of the reign of his said late Majesty King George the First, intituled "An Act for granting to his Majesty the sum of one million to be raised by way of lottery," the said deductions were further continued for the purposes in the said Act mentioned: And whereas by another Act passed in the thirty-first year of the reign of his late Majesty King George the Second, intituled "An Act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, and for raising the sum of five millions by annuities and a lottery, to be charged on the said rates and duties," it was among other things enacted that there should be yearly raised, levied, and paid to his Majesty, his heirs and successors, the sum of one shilling, over and above all other duties already charged or payable, for every twenty shillings of the yearly value or amount of all salaries, fees, and perquisites incident to, or received for or in respect of all offices and employments of profit in Great Britain, and the like sum of one shilling for every twenty shillings of all pensions and other gratuities payable out of any revenue belonging to his Majesty in Great Britain, exceeding the value of one hundred pounds per annum: And whereas by another Act passed in the thirty-second year of the reign of his said late Majesty King George the Second, intituled "An Act to explain and amend an Act made in the last session of Parliament, intituled

Recital of 7 Geo. 1. c. 27.

12 Geo. 1. c. 2.

31 Geo. 2. c. 22.

32 Geo. 2. c. 33

" ' An Act for granting to his Majesty several rates and duties upon offices " ' and pensions, and upon houses, and upon windows or lights, and for " ' raising the sum of five millions by annuities and a lottery, to be charged " ' on the said rates and duties,' so far as the same relates to the rates and " duties on offices and pensions," certain provisions were made for collecting and paying the said last-mentioned duty of one shilling in the pound: And whereas by another Act passed in the twenty-seventh year of the reign of his
27 Geo. 3. c. 13. present Majesty, intituled " An Act for repealing the several duties of customs " and excise, and granting other duties in lieu thereof, and for applying the " said duties together with the other duties composing the public revenue; " for permitting the importation of certain goods, wares, and merchandize, the " produce or manufacture of the European dominions of the French King " into this Kingdom; and for applying certain unclaimed monies remaining " in the Exchequer for the payment of annuities on lives, to the reduction of " the national debt," the said respective duties of sixpence and one shilling were carried to and made part of the consolidated fund: And whereas by another Act passed in the forty-eighth year of the reign of his present Majesty,
48 Geo. 3. c. 2. intituled " An Act for continuing to his Majesty certain duties on malt, sugar, " tobacco and snuff in Great Britain, and on pensions and offices in England; " and for repealing so much of certain Acts as relate to certain duties of " sixpence and one shilling respectively on offices and pensions; and for " regulating the said duties of sixpence and one shilling respectively, and the " said other duties, for the service of the year one thousand eight hundred " and eight," by which the said recited Acts passed in the seventh and twelfth years of the reign of his said late Majesty King George the First, and the said recited Acts in the thirty-first and thirty-second years of the reign of his said late Majesty King George the Second, and in the twenty-ninth year of the reign of his present Majesty respectively, so far as the same relate to the said duties of sixpence and one shilling in the pound respectively, should from and after the twenty-fifth day of March one thousand eight hundred and eight be and the same were thereby repealed, with an exception therein mentioned; and it was by the said last recited Act enacted that for and upon all pensions charged upon any of his Majesty's revenues, or any rates or duties granted to his Majesty, or upon the contingent fund, fees, or incidents of any office, or upon any public monies, and also upon all salaries fees, or wages, payable for or in respect of any offices of profit granted by or derived from the crown, upon, for, or in respect of which before the passing of this Act the said deduction of sixpence in the pound was charged or chargeable, there should be imposed a duty of sixpence in the pound, and for and upon every twenty shillings of the yearly value or amount of all salaries, fees, and perquisites incident to or received for or in respect of all offices and employments of profit, and for every twenty shillings of all pensions and other gratuities payable out of any revenue belonging to his Majesty in Great Britain, or out of the contingent fund, fees, or incidents of any office, or out of any public monies, exceeding the value of one hundred pounds per annum, and in respect of which pensions or other gratuities before the passing of the said last recited Act the said deduction of one shilling in the pound was charged or chargeable, or made or liable to be made, there should be charged a duty of one shilling; and it was by the said last recited Act further enacted, that the

said several duties of sixpence and one shilling respectively by the said Act granted should be charged and chargeable for one year from the twenty-fifth day of March one thousand eight hundred and eight: And whereas another Act was passed in the last session of Parliament, intituled "An Act for con- 49 Geo. 3. c. 32.
"tinuing and making perpetual several duties of one shilling and sixpence,
"repealed by an Act of the last session of Parliament, on offices and employ-
"ments of profit, and on annuities, pensions, and stipends, and thereby granted
"for one year to the twenty-fifth day of March one thousand eight hundred
"and nine," by which it was enacted, that from and after the twenty-fifth day of March one thousand eight hundred and nine there should be assessed, raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, upon all annuities, pensions, stipends, and other payments, salaries, fees, wages, and perquisites, as set forth in the schedule to the said Act annexed, the several rates and duties respectively inserted and contained therein: And whereas doubts have arisen whether the rates and duties specified in such schedule extend to the said duties of sixpence and one shilling respectively, charged and chargeable in Scotland, by the said recited Acts passed in the seventh year of the reign of his said late Majesty King George the First, and in the thirty-first year of the reign of his said late Majesty King George the Second: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said duties of sixpence and one shilling respectively shall be assessed, raised, levied, and paid in Scotland for the purposes directed by the said last recited Act, for and in respect of all pensions and annuities, and for and in respect of all salaries, fees, wages, and perquisites, and for and in respect of all pensions or gratuities, for or in respect of which or of any of which the said duties were respectively charged or chargeable in Scotland prior to the passing of the said last recited Act, by virtue of the said two recited Acts, passed in the seventh year of the reign of his said late Majesty King George the First, and in the thirty-first year of the reign of his said late Majesty King George the Second, or by virtue of any Act or Acts passed prior to the passing of the said last recited Act passed in the last session of Parliament, in the manner in which the same were respectively raised, assessed, levied, and paid prior to the passing of the said recited Act passed in the forty-eighth year of the reign of his present Majesty.

The duties of 6*d.* and 1*s.* charged by 49 Geo. 3. c. 32. shall be raised in Scotland in respect of pensions, &c., in the same manner as before the passing of 48 Geo. 3. c. 2.

CHAPTER LVIII.

AN ACT to amend several Acts for the Redemption and Sale of the Land Tax.

[9th June 1810.]

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II. AND whereas by an Act passed in the forty-second year of the reign of his present Majesty, intituled "An Act for consolidating the provisions 42 Geo. 3.
"of the several Acts passed for the redemption and sale of the land tax into c. 116.
"one Act, and for making further provision for the redemption and sale
"thereof, and for removing doubts respecting the right of persons claiming
"to vote at elections for knights of the shire and other members to serve in
"Parliament in respect of messuages, lands, or tenements, the land tax upon
"which shall have been redeemed or purchased," all corporations aggregate

are enabled by the sale of lands or by the grant of rentcharges to provide for the redemption of the land tax charged on the glebe lands, tithes, and other profits of any living or livings in the patronage of such corporations aggregate respectively, in cases where such land tax shall have been or shall be redeemed by or on behalf of such corporations aggregate; and it is expedient that similar powers should be given to corporations sole and to companies: Be it therefore further enacted, that where the land tax charged upon the glebe lands, tithes, or other profits of any living or livings in the patronage of any archbishop, bishop, or other corporation sole, or any company or companies, shall have been or shall be redeemed by or on the behalf of any such bodies politic or corporate or companies by virtue of any of the provisions of the said recited Acts or of this Act, it shall be lawful for any such archbishop, bishop, or bodies politic or corporate, whether sole or aggregate, or companies, to provide for such redemption by sale of any lands, tenements, or hereditaments belonging to such archbishop, bishop, or bodies politic or corporate, whether sole or aggregate, or companies respectively, or by the grant of any rentcharge, which they could or might respectively lawfully make for the redemption of any land tax charged on the lands belonging to such archbishop, bishop, or bodies politic or corporate, whether sole or aggregate, or companies, and the land tax so redeemed shall be forthwith extinguished; but every such archbishop, bishop, or body politic or corporate, whether sole or aggregate, or company, shall nevertheless be entitled to an annual rentcharge issuing out of such living equivalent to the amount of the land tax redeemed, unless it shall be declared in writing under the seal or common seal of the archbishop, bishop, body or bodies politic or corporate, whether sole or aggregate, or companies, having such right of patronage or nomination, at the time of presenting or nominating any clerk or clerks to such living or livings, that such rentcharge shall be suspended during his or their incumbency or respective incumbencies, which declaration the archbishop, bishop, body or bodies politic or corporate, whether sole or aggregate, or companies entitled to nominate to such living or livings shall from time to time be competent to make: Provided always, that such suspension shall be without prejudice to the right of the said archbishop, bishop, body or bodies politic or corporate, or companies respectively to recover such rentcharge after the next or any future avoidance: Provided also, that any declaration made by any such archbishop, bishop, bodies politic or corporate, whether sole or aggregate, or companies, at the time of redeeming the said land tax, shall be as available during the incumbency of the then rector, vicar, or curate as if it had been made at the time of his being preferred to such living.

Corporations sole or aggregate may redeem the land tax on livings in their patronage by sale of other lands belonging to such corporations.

Patrons shall be entitled to rentcharge out of living equivalent to tax redeemed, unless at time of presentation it be declared to be suspended during the incumbency.

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CHAPTER LIX.

AN ACT for more effectually preventing the Embezzlement of Money or Securities for Money belonging to the Public by any Collector, Receiver, or other Person entrusted with the Receipt, Care, or Management thereof.

[9th June 1810.]

WHEREAS it is most expedient that due provision should be made more effectually to prevent the embezzlement of money or securities for money belonging to the public by any collector, receiver, or other officer entrusted with the

receipt, custody, or management thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons to whom any money or securities for money shall be issued for public services shall from and after the passing of this Act embezzle such money, or in any manner fraudulently apply the same to his own use or benefit, or for any purpose whatever except for public services, every such person so offending, and being thereof duly convicted according to law, in any part of the United Kingdom, shall be adjudged guilty of a misdemeanor, and shall be sentenced to be transported beyond the sea, or to receive such other punishment as may by law be inflicted on persons guilty of misdemeanors, and as the court before which such offenders may be tried and convicted shall adjudge. [Rep., 2 & 3 Will. 4. c. 4. s. 1.]

Persons embezzling money issued for public services, guilty of a misdemeanor, &c.

II. AND be it further enacted, that if any such officer, collector, or receiver so entrusted with the receipt, custody, or management of any part of the public revenues shall knowingly furnish false statements or returns of the sums of money collected by him or entrusted to his care, or of the balances of money in his hands or under his control, such officer, collector, or receiver so offending and being thereof convicted shall be adjudged guilty of a misdemeanor, and shall be adjudged to suffer the punishment of fine and imprisonment at the discretion of the court, and be rendered for ever incapable of holding or enjoying any office under the crown.

Officers giving in false statements of money entrusted to their care, guilty of a misdemeanor, &c., and rendered incapable of holding office under the crown.

CHAPTER LXXXII.

AN ACT to amend the Laws relative to the Sale of Flax Seed and Hemp Seed in Ireland.[a] [15th June 1810.]

FOR the prevention of fraudulent practices in respect of flax seed and hemp seed sold in Ireland for sowing: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no action or suit shall be brought in Ireland whereby to charge any person to answer damages for having at any time after the passing of this Act sold unsound, mixed, bad, or damnified flax seed or hemp seed, or flax seed or hemp seed unfit for sowing, unless the warranty on which such action shall be brought, or some memorandum or note thereof, shall be in writing signed by the party to be charged therewith, or by some other person thereunto by him lawfully authorized; any law, statute, or usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall extend to any action or suit relating to any flax seed or hemp seed sold in any smaller quantity than two bushels.

Actions for selling unsound flax seed, &c. shall not be brought, except on written warranty.

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[a] Rep., so far forth as relates to the inspection and sale of flax seed, 6 Geo. 4. c. 122. s. 42.]

CHAPTER LXXXIV.

AN ACT for augmenting Parochial Stipends in certain Cases in Scotland.

[15th June 1810.]

Scotch Acts respecting teinds in 1633, recited.

WHEREAS by an Act of the Parliament of Scotland made in the year one thousand six hundred and thirty-three, intituled "Anent the rate "and price of teinds;" and by another Act of the Parliament of Scotland made in the same year one thousand six hundred and thirty-three, intituled "Commission for valuation of teinds not valued, rectifying the valuations of "the same already made, and other particulars therein contained," it was statuted, ordained, and declared that all heritors and liferenters of lands in Scotland should be entitled to have the teinds or tithes of their lands valued at certain fixed rates, to be paid for the same in all time to come: And whereas in many parishes in Scotland where the stipends of the parochial ministers are payable out of the teinds or tithes in consequence of the depreciation of the value of money the stipends of such parochial ministers have become inadequate to their support and maintenance, and on account of the valuations of teinds which have taken place no funds exist out of which future augmentations of such stipends can be granted: And whereas in several parishes where the stipends of the parochial ministers are payable out of funds and revenues separate and distinct from the teinds such stipends have also become inadequate to the support and maintenance of the ministers thereof, and no funds exist out of which such stipends can be augmented: And whereas it is expedient that means should be provided for augmenting the stipends of each of such ministers as aforesaid to a yearly amount or value of one hundred and fifty pounds sterling, and it appears that an annual sum not exceeding ten thousand pounds sterling will be sufficient to carry these purposes into effect: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act there shall in every year be set apart and appropriated in the hands of his Majesty's receiver general and paymaster in Scotland, out of the publick revenues and money received and collected by him, an annual sum not exceeding in the whole the sum of ten thousand pounds of lawful money of Great Britain to answer the purposes of this Act, to be applied in manner herein-after mentioned.

10,000*l.* yearly may be set apart in the hands of the receiver general in Scotland for the purposes after mentioned.

Clerks of the presbyteries shall make up accounts of the different parishes, the stipends of which do not amount to 150*l.*

II. AND be it further enacted, that as soon as conveniently may be after the passing of this Act the clerks to the different presbyteries within Scotland shall make up accounts of the different parishes within each presbytery the stipends of which parishes do not extend in their yearly amount or value to the sum of one hundred and fifty pounds sterling, and which cannot be augmented to that extent under the laws at present in force, either by reason of the teinds of such parishes being already exhausted, or for other want of funds out of which such augmentations could be made, or where from the small amount or value of the unexhausted teinds it has been deemed inexpedient to bring actions of augmentation; which accounts shall specify the amount of each such stipend in money, grain, or other articles in which the

Particulars to be specified.

same is payable, and the rate at which such grain or other articles, if not in use to be paid in kind, are convertible into money, and if in use to be paid in kind, the value thereof on an average of the last nine years preceding the passing of this Act, and the period when such stipend was last augmented, and if any unexhausted teind remains, specifying the amount or value thereof as far as the same can be ascertained; and the said accounts shall be transmitted to the teind clerk or principal clerk to the lords of council and session, as commissioners for plantation of kirks and valuation of teinds appointed by an Act of the Parliament of Scotland in one thousand seven hundred and seven.

Lords of session, as commissioners of teinds, to make a list of such stipends, and the sums necessary to augment them to 150*l.*; and to specify those cases in which teinds should be exhausted before relief is given.

III. AND be it enacted, that when and as soon as the accounts shall be received from the clerks to the different presbyteries in manner before mentioned, the same shall, upon the application of any of the ministers interested, or of the procurator for the church on behalf of the whole, be taken into consideration by the lords of council and session as commissioners as aforesaid, and a list or schedule shall thereupon be made up under their direction and authority of all such stipends which from the causes aforesaid cannot be augmented to the annual amount or value of one hundred and fifty pounds under the laws at present in force, specifying the amount of each stipend in money, grain, or other articles in which the same is payable, and the rate at which such grain and other articles, if not in use to be paid in kind, are convertible into money, or if in use to be paid in kind, the value thereof on an average of the last nine years preceding the passing of this Act, and of the sums necessary to augment each such stipend, including its present annual amount or value, to the annual amount or value of one hundred and fifty pounds sterling, provided that the said augmentations shall not exceed in the whole the annual sum of ten thousand pounds sterling; and in such list or schedule it shall and may be lawful to the said lords of council and session as commissioners aforesaid to specify those cases in which in their opinion the teinds should be fully exhausted before any relief or augmentation should be granted under the authority of this Act.

In such last mentioned cases process of modification for obtaining unexhausted teinds shall be instituted.

IV. PROVIDED always, and be it enacted, that it shall and may be lawful in those cases where the present stipend does not amount to one hundred and fifty pounds, and where the unexhausted teinds will not be sufficient to augment it to an amount beyond one hundred and fifty pounds, and where the commissioners are of opinion that the teinds should be in the first instance exhausted, for each minister whose case shall be so specified as aforesaid forthwith to institute a process of modification and augmentation for obtaining the remainder of such unexhausted teinds; and that it shall be lawful for the said lords of council and session as commissioners aforesaid, to award to him the whole of such unexhausted teinds as soon as the course of such process shall admit, anything in an Act passed in the forty-eighth year of his present Majesty's reign, intituled "An Act for defining and regulating the "powers of the commission of teinds, in augmenting and modifying the "stipends of the clergy of Scotland," or in any other Act or Acts to the contrary contained in anywise notwithstanding.

48 Geo. 3. c. 138.

List when made up to be printed and

V. AND be it enacted, that the list or schedule so to be made up as aforesaid shall, under the directions of the said lords of council and session as commis-

sent to each minister, &c.

sioners aforesaid, be forthwith printed, and a copy thereof shall be sent by their clerk to each minister whose stipend shall have been included in the accounts transmitted from the presbyteries to the said teind clerk or principal clerk of the said lords of council and session as commissioners aforesaid in manner before mentioned, and a copy to the clerk of each presbytery within Scotland, who shall thereupon give notice to each minister of the presbytery of the receipt of such printed copy of the aforesaid list or schedule.

Ministers may apply to presbyteries if their stipends be not specified in list, or if they object to their stipends being specified.

VI. AND be it enacted, that it shall and may be lawful to and for every minister of the presbytery whose stipend shall not be specified in the said list or schedule, but whose stipend should in virtue of this Act have been so specified therein, to make a representation to the presbytery of the bounds, shewing why his stipend should be so specified, and for every minister whose stipend shall be specified in the said list or schedule to present objections thereto, if he shall see cause, to such presbytery of the bounds; and it shall be lawful to each presbytery, and such presbytery is hereby required, to take such representations and objections into consideration, and to report their opinion upon such list or schedule as the same may appear to them to the said lords of council and session as commissioners aforesaid: Provided always, that such report shall be made by each presbytery and transmitted by the clerk of such presbytery to the teind clerk or principal clerk of the said lords of council and session as commissioners aforesaid within six calendar months next after the said list or schedule shall have been received by the clerk of such presbytery.

Presbyteries to report on such objections to commissioners.

Ministers thinking themselves aggrieved by such report may petition commissioners of teinds;

VII. AND be it enacted, that if any minister shall think himself aggrieved by any report made by or proceedings of any presbytery in the matters aforesaid, it shall and may be lawful to such minister to present his petition to the said lords of council and session as commissioners aforesaid, stating the grounds of his objection or complaint in the premises; and the said lords of council and session as commissioners aforesaid shall order such petition to be taken into consideration in a summary way, and direct the same to be answered or otherwise; and shall determine in the matter of such objection or complaint as early as the circumstances of the case will permit; and such determination shall be final and conclusive and not subject to any appeal to the House of Lords.

whose determination shall be final.

On receipt of reports and determination of petitions, list of stipends to be settled and recorded in the books of the commissioners of teinds.

VIII. AND be it enacted, that the said lords of council and session as commissioners aforesaid shall with all convenient dispatch after such reports shall have been received from the presbyteries as aforesaid take the same, with the determination that may have been given on any petition as aforesaid, and the list or schedule formerly prepared by them, into consideration, and shall confirm the said list or schedule, or make such alterations thereon as to them shall seem just and expedient, and shall adjust and settle the same, and after it shall have been so adjusted and settled shall order the same to be recorded in their books.

Certified copy of the recorded list to be sent to the barons of Exchequer in Scotland, who shall issue

IX. AND be it enacted, that the said teind clerk or clerk to the lords of council and session as commissioners aforesaid shall forthwith make out an extract or certified copy of the said recorded list or schedule, and transmit the same to the barons of his Majesty's Exchequer in Scotland, who shall appoint the same to be also forthwith recorded in their books; and shall thereupon

issue a precept or warrant, addressed to his Majesty's said receiver general and paymaster in Scotland, to each of the ministers of the respective parishes mentioned in such list or schedule, for payment to such minister of the annual sum which, according to such list or schedule is necessary for augmenting his stipend to the annual amount or value of one hundred and fifty pounds, to be paid to him at the terms or times herein-after directed during his incumbency in the parish mentioned in such precept or warrant, and shall cause such precept or warrant to be transmitted to the minister therein mentioned.

to the ministers precepts addressed to the receivergeneral for payment of the sums necessary to raise their stipends to 150*l*.

X. AND be it enacted, that as soon as the said lords of council and session as commissioners aforesaid shall have decided in any process or processes for obtaining the remainder of any unexhausted teinds in manner herein-before directed, and shall thereupon or upon any other ground have determined with respect to the stipend or stipends of any minister or ministers which ought to be augmented under the authority of this Act, and shall have ascertained the sum necessary for augmenting each such stipend to the annual amount or value of one hundred and fifty pounds, the said lords of council and session as commissioners aforesaid shall cause a list or schedule of such stipend or stipends to be made out in manner as herein-before directed, specifying the sum necessary for augmenting each such stipend to the annual sum of one hundred and fifty pounds; and such list or schedule shall be recorded in the books of the teind court, and an extract or certified copy thereof shall be made out in manner herein-before directed, and shall be transmitted to the barons of Exchequer, who shall cause the same to be also recorded in their books, and shall issue their precept or warrant, addressed to his Majesty's said receiver general and paymaster in Scotland, to each of the ministers of the respective parishes mentioned in such list or schedule, for payment to such minister of the annual sum which according to such list or schedule is necessary for augmenting his stipend to the annual amount or value of one hundred and fifty pounds, to be paid to him at the terms or times herein-after directed during his incumbency in the parish mentioned in such precept or warrant, and shall cause such precept or warrant to be transmitted to the minister therein mentioned.

When commissioners shall have decided in processes for unexhausted teinds, and determined the amount necessary to augment any stipend, they shall prepare lists of such stipends, order them to be recorded, and sent in like manner to the barons of Exchequer, who shall issue warrants for payment, &c.

XI. AND be it enacted, that the augmentations by this Act granted out of the fund before mentioned shall be payable by two half-yearly payments at the terms of Whitsunday and Michaelmas in each year; and the first half-yearly payment thereof shall be due and payable for the half-year immediately preceding the term of Whitsunday last; and the same shall be so expressed in the precepts or warrants to be issued by the barons of Exchequer in manner herein-before directed; and at the first term of Whitsunday or Michaelmas after the passing of this Act, or as soon thereafter as the amount of the respective augmentations shall be fixed and settled, the said receiver general and paymaster shall be and is hereby required to pay to the minister mentioned in such precept or warrant as herein-before directed to be issued, or to any person or persons duly authorized to that effect by such minister, the half-yearly payments that may be due and payable to such minister at the time, subject to deduction for the first year in manner herein-after mentioned; and at every subsequent term of Whitsunday or Michaelmas thereafter the said receiver general and paymaster shall be and is hereby required to pay to such

Augmentations to be paid half-yearly by the receiver general.

minister or person or persons authorized as aforesaid the half-yearly payment or payments that may be due to such minister at the time.

Out of the first year's augmentation 1s. in the pound shall be retained,

XII. AND be it enacted, that out of the first year's augmentation granted to such ministers as aforesaid, and payable by virtue of this Act, the said receiver general and paymaster shall be and he is hereby authorized and required to deduct and retain the sum of one shilling in the pound sterling of the sum payable to each of such ministers as aforesaid, to be applied in manner herein-after directed, but such deduction shall be made only from the augmentation payable for the first year under this Act, and no such deduction shall be made from the augmentation payable for any subsequent year.

to be applied in paying the expences incurred, &c.

XIII. AND be it enacted, that the said lords of council and session as commissioners aforesaid shall cause to be made up an account of the expences incurred, and of the recompence to be made to the persons employed under the authority of this Act for their labour and trouble in the matters aforesaid, and shall specify in such account the persons to whom such expences and recompence shall be paid, and the sum payable to each person, not exceeding in the whole the amount of the deduction of one shilling in the pound to be retained by the said receiver general and paymaster in manner before mentioned, and shall certify the same to the said barons of Exchequer; and the said barons of Exchequer shall from time to time issue their warrants upon the said receiver general and paymaster, for payment to the persons specified in such account, or to their order, of the several sums of money therein specified.

In cases of death or removal of minister, how successors shall act.

XIV. AND be it further enacted, that when the minister of any church or parish whose stipend shall have been specified in any list or schedule herein-before directed to be prepared by the said lords of council and session as commissioners aforesaid shall die or be removed from the charge of his church or parish, his successor in such church or parish, if no precept or warrant had been granted to his predecessor, shall be entitled to take all such steps in regard to the obtaining of such precept or warrant as would have been competent to his predecessor, but shall be as he is hereby bound and obliged to account for and pay to his predecessor, or to the executors or personal representatives of his predecessor, whatever part of the augmentation granted under the authority of this Act shall be due to such predecessor or to the executors or personal representatives of such predecessor respectively; and if such precept or warrant had previously been granted, the minister succeeding to such church or parish shall be entitled to apply to the said barons of Exchequer to be put in the place and stead of the minister so dying or being removed as aforesaid with respect to future payments under this Act, in the manner herein-after mentioned; and the said barons of Exchequer, upon being satisfied that the minister so applying has succeeded to the church or parish of the minister so dying or being removed as aforesaid, shall forthwith issue a precept or warrant to the said receiver general and paymaster, in favour of the minister so applying, for payment to him of the sums which were payable to the former minister of such church or parish at the terms or times herein-before directed during his incumbency in the church or parish mentioned in such precept or warrant, and shall cause such precept or warrant to be transmitted to the

minister therein mentioned; and the sums therein mentioned shall be payable and be paid upon such precept or warrant by the said receiver general and paymaster to the minister mentioned therein, or to any person or persons duly authorized to that effect, at the term or terms and in manner herein-before directed; and so on, as often as the case shall happen, with respect to all the ministers who shall succeed to any church or parish the stipend of which shall be inserted in any such list or schedule as aforesaid.

In case of death or removal, rights of ministers to augmentations under this Act to cease in like manner as their rights to other stipends cease.

XV. PROVIDED always, and be it enacted, that the rights and interests of the respective ministers who may be entitled to the augmentations to be granted under the authority of this Act shall in case of their decease or removal cease and determine at the same terms of Whitsunday or Michaelmas, and in the same manner, as the rights and interests of the clergy of Scotland in their other stipends cease and determine by the law of Scotland; and that in like manner the rights and interests of their successors to the said augmentations to be granted under the authority of this Act shall commence at the terms of Whitsunday or Michaelmas immediately preceding their admission to their respective churches or parishes, in the same manner as the rights and interests of the clergy of Scotland to their other stipends do commence by the law of Scotland.

Executors of ministers dying may draw for one half-yearly moiety of augmentation, in name of Ann, beyond what may be due.

XVI. PROVIDED also, and be it enacted, that the executors or personal representatives of the ministers deceasing whose stipends shall be augmented under the authority of this Act, and the executors or personal representatives of their successors, shall be entitled to draw one half-yearly moiety of the augmentations to be granted under the authority of this Act, in name of Ann, over and above the stipends that may have been due to the ministers deceasing, in the same manner as is directed by the law of Scotland with respect to the other stipends of the clergy of Scotland; and the barons of his Majesty's Exchequer shall grant precepts or warrants to his Majesty's said receiver general and paymaster, for payment of the said half-yearly moiety in name of Ann to those having right thereto by the law of Scotland upon their receipt, and this without the necessity of any confirmation or other title to be made up in that behalf.

Augmentations not to be applied during vacancies to the purposes to which other vacant stipends are applicable;

XVII. AND be it enacted, that when the pastoral charge in any of the churches or parishes the stipends of which shall be augmented as herein-before mentioned shall at any time hereafter become vacant, the several sums herein-before directed to be appropriated for augmenting such stipends respectively shall not during any such vacancy (excepting only with regard to the half-yearly moiety in name of Ann directed to be paid as herein-before specified) be applicable to the purposes to which vacant stipends in Scotland are at present by law applicable; nor shall they in any such case be subject as vacant stipends are to the disposal of the patrons of such vacant parishes, or of the barons of his Majesty's Exchequer in parishes of which his Majesty is patron, or of the synods of Argyll or Glenelg, which have or claim to have a right by law to dispose of the vacant stipends within their bounds.

but to be paid to the trustees of the fund for the provision

XVIII. AND be it further enacted, that in the event of every vacancy occurring in the parishes in which the parochial stipends shall have been augmented under the authority of this Act, the annual sums herein-before

of widows and children of ministers under 19 Geo. 3. c. 20.

directed to be appropriated for augmenting the stipends herein-before mentioned shall, after payment of the Ann in manner before directed, during any vacancy in any of the said churches or parishes be payable and be paid to the trustees appointed by the Act of the nineteenth year of the reign of his present Majesty, intituled "An Act for the better raising and securing a fund for "a provision for the widows and children of the ministers of the church of "Scotland, and of the heads, principals, and masters in the Universities of "Saint Andrews, Glasgow, Edinburgh, and Aberdeen; and for repealing two "Acts made in the seventeenth and twenty-second years of the reign of his "late Majesty King George the Second, for those purposes," or to their general collector, to be applied by the said trustees in the way they shall judge most expedient and effectual for securing a permanent addition to the annuities provided to the widows therein mentioned, in all time coming.

The barons of Exchequer shall issue their precept for payment to the trustees of the said fund,

XIX. AND be it enacted, that when any such vacancy shall occur the said barons of Exchequer shall, upon the application of the said trustees or their general collector, issue their precept or warrant to the said receiver general and paymaster for payment to the said trustees or their general collector as aforesaid of the whole amount of the sums directed to be appropriated under the authority of this Act in augmentation of the stipend of the said vacant church or parish, at the same term or terms at which vacant stipends are at present by the law of Scotland payable to patrons and others having interest therein.

who may lend out the money at interest for its benefit.

XX. AND be it further enacted, that it shall and may be lawful to and for the said general collector, under the authority and by the directions of the said trustees, and according to such regulations as they shall judge expedient, to lend out at interest on sufficient security the several sums hereby appointed to be paid to the said trustees or their general collector by the said receiver general and paymaster as aforesaid, from time to time, for the purpose of providing a permanent fund, in addition to the annuities before mentioned established under the authority of the said recited Act of the nineteenth year of the reign of his present Majesty.

Payments made by the receiver general to be allowed in his accounts.

XXI. AND be it enacted, that all payments to be made by the said receiver general and paymaster of the several sums of money herein-before directed to be paid by him to the several persons and for the several purposes herein-before mentioned, upon the receipts of those legally entitled or authorised to receive the same, shall be allowed in his accounts.

Precepts and receipts exempted from stamp duty.

XXII. AND be it enacted, that the several precepts or warrants to be issued in manner before mentioned, and the receipts to be granted for the sums of money payable as herein-before directed, shall not be liable to any stamp duty.

Punishment of persons forging precepts or receipts, &c.

XXIII. AND be it enacted, that if any person or persons shall forge or counterfeit or cause or procure to be forged or counterfeited any such precept or warrant, or precepts or warrants as aforesaid, or any signature or signatures thereto, or any written factory or mandate, for receiving any sum or sums of money made payable under the authority of this Act, or any signature or signatures thereto, or any receipt or receipts granted on payment of such sums of money as aforesaid, or signature or signatures thereto, and shall issue

the same with an intent to defraud the said receiver general and paymaster or his successors in office, or any person or persons entitled to any sum or sums of money payable under the authority of this Act, then every person so offending and being thereof lawfully convicted shall be punished as persons guilty of the crime of forgery are liable to be punished by the law of Scotland.

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Commissioners of teinds and barons of Exchequer may give directions for the regulation of their clerks.

XXV. AND be it enacted, that the said lords of council and session as commissioners aforesaid and the said barons of Exchequer shall and may from time to time give such directions for the regulation of their respective clerks and officers employed or that may be employed to carry this Act into execution, where special directions are not hereby given relative to the same, as to the said lords of council and session as commissioners aforesaid and to the barons of Exchequer shall seem fit and expedient.

CHAPTER LXXXV.

AN ACT to regulate the taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the Grant of all such Offices in the event of such Security not being given within a Time to be limited after the Grant of such Office. [15th June 1810.]

WHEREAS it is highly expedient that provision should be made for preventing any negligence, omission, or irregularity in the giving of due securities by all persons employed in situations of public trust, and concerned in the receipt and distribution or expenditure of public money, who are required to give security to account for public monies coming to their hands, and for ascertaining the death of any surety or sureties of any such person: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person who shall after the passing of this Act be appointed to any office or employment or commission, civil or military, or in any public department belonging to that part of the United Kingdom called England, or to any such office or employment of public trust under the crown, or wherein he shall be concerned in the collection, receipt, disbursement, or expenditure of any public monies, and who by reason thereof shall be required to give security with surety or sureties or otherwise, shall, within one month after notice of such appointment, if he shall then be in England, or within two months if he shall then be in Scotland or Ireland, or within six months if he shall then be in any other part of Europe, or in America or the West Indies, or within nine months if he shall then be in Africa, or within eighteen months if he shall then be in the East Indies or in any other part of Asia, or within ten months if he shall then be on the High Seas (unless he shall sooner arrive in England or Wales or Scotland or Ireland, and then within two months after such arrival), give, execute, and enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as shall be

Persons appointed to offices of public trust in England shall give security within certain periods for the due performance of their trust.

approved of by the lords commissioners of the Treasury, or any three or more of them, or by the principal officer or officers, or person or persons in the office or department to which he shall be appointed, for the due performance of the trust reposed in him, and for the duly accounting for all the public monies intrusted to him or placed under his control.

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Persons giving security to register memorials in manner after mentioned.

III. AND be it further enacted, that every person who by reason of his appointment to or holding of any office or employment or commission, civil or military, in any public department in England, or of public trust under the crown, or who, by reason of being concerned in the collection, receipt, disbursement, or expenditure of any public monies, shall before the passing of this Act have given or executed or entered into, or shall hereafter give or execute or enter into, any bond or bonds, or other security or securities, for the due performance of the trust reposed in him, or for the duly accounting for monies intrusted to him, shall cause a memorial of such bond or bonds, or security or securities, to be registered with the register of the county of Middlesex in manner herein-after mentioned; and every such memorial shall as to all bonds and securities entered into before the passing of this Act be registered, if the person on whose behalf the same shall have been entered into shall reside or be in Great Britain, within four months after the passing of this Act, and if in Ireland within three months, and if in any other part of Europe or in the West Indies or America within twelve months, and if in Africa within fifteen months, and if in the East Indies or in any other part of Asia within eighteen months, and if on the High Seas within twelve months (unless he shall sooner arrive in England or Wales, Scotland, or Ireland), and then within four months after such arrival respectively after the passing of this Act; and as to all such bonds and securities to be entered into after the passing of this Act, such memorials shall be registered within the like periods respectively after entering into the same, according to the place or country in which the person appointed shall be at the time of giving, executing, or entering into such bond or other security as aforesaid. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

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Persons neglecting to give security and register memorials to forfeit their offices.

[VII.[a]] PROVIDED always, and be it further enacted, that if any person who by reason of his appointment to or holding of any such office or employment or commission, civil or military, in any public department or of public trust, or who, by reason of being concerned in the collection, receipt, disbursement, or expenditure of any public money, is required or bound to give any such security or register any such memorial as aforesaid, shall neglect to give such security, and to cause such memorial thereof to be duly registered in manner aforesaid and within the period specified in this Act, he shall forfeit and be deprived of the appointment, office, employment, or commission in respect whereof such security ought to have been given and memorial registered as aforesaid, and every such appointment, office, employment, or commission shall from and after the period specified in this Act for registering such memorial be wholly void and of none effect: Provided always, that such avoidance shall not annul or make void any act or order, or other matter or thing, done by such person during the time he actually held such appointment, office, employment or commission: Provided always, that no such forfeiture shall take place by reason of any such memorial not being registered under this Act, in which the proper sureties shall have been given and memorial made out, and where the failure of register shall have arisen from the loss of such memorial in the transmitting thereof from beyond the seas; provided that in every such case a new memorial specifying the reason of such delay shall be made out and signed and registered within the like

[a] Rep., so far as relates to neglect to cause a memorial to be registered, Stat. Law Rev. Act, 1872 (No. 2).]

period after the person giving such security shall have received notice of the loss, regard being had to the place where he shall then be, as is required by this Act for the registry thereof if such loss had not arisen: Provided also, that it shall be lawful for his Majesty to remit any such forfeiture in any case in which any failure of registering any such memorial shall not have arisen from any neglect or omission of the person bound to register the same. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

Person giving security shall give notice of the death of any of his sureties;

VIII. AND be it further enacted, that every such person as aforesaid who shall have given any bond or bonds or other security or securities with surety or sureties, for the due execution of the trust reposed in him, or for the duly accounting for public monies coming to his hands, shall give notice in writing to one of the secretaries of his Majesty's Treasury, or to the head of the office or department to which he shall belong, of the death of any surety or sureties or person or persons bound for or with him in any such security or securities, within one calendar month after the same shall have come to his knowledge if he shall reside or be in Great Britain, or within four months if in Ireland, or within six months if in any other part of Europe or in any colony or plantation in the West Indies or America, or within nine months if in Africa, or within twelve months if in India or in any other part of Asia, or within ten months if he shall be on the high seas (unless he shall sooner arrive in England, Wales, Scotland, or Ireland, and then within two months after such arrival); and any person who shall neglect to give such notice within such period as aforesaid shall forfeit one fourth part of the sum for which the surety so dead shall have given security, to the use of his Majesty, to be recovered in any of the courts at Westminster by action of debt, bill, plaint, or information at the suit of his Majesty's attorney general; and every such person who shall upon the death of any surety neglect to give the security of another surety, to be approved in such manner as such surety dying was approved, within such period from his having notice of such death, and to register a memorial of the security of such new surety within such period from his having given the security of such new surety, as are herein respectively limited for giving and registering the original security, the same regard being had to the place in which such person may then be, shall forfeit his appointment, office, employment, or commission in like manner and under and subject to such provisions as aforesaid. [Rep., Stat. Law Rev. Act, 1872 (No. 2).]

penalty for neglect;

and shall find a new surety.

CHAPTER LXXXVII.

AN ACT to amend Two Acts relating to the raising Men for the Service of the East India Company, and the Quartering and Billeting such Men, and to Trials by Regimental Courts Martial. [15th June 1810.]

WHEREAS an Act passed in the thirty-ninth year of the reign of his present Majesty, intituled "An Act for the better recruiting the forces of the East India Company": And whereas an Act passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled "An Act for punishing mutiny and desertion of officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies, and for the punishment of offences committed in the East Indies or at the Island of Saint Helena": And whereas it would tend to the more speedy recruiting of the forces of the East India Company if men were permitted to enlist for a limited time in the service of the said company without engaging to serve in his Majesty's forces; and provision must in such case be made for quartering and billeting the men so raised: And whereas it is also expedient that the provisions of the said recited Act of his late Majesty King George the Second as to trials by regimental courts martials should be amended in relation to the members and witnesses being sworn,

39 Geo. 3. c. 109.

27 Geo. 2. c. 9.

as now required on such trials in his Majesty's regular forces: . . . . . .

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Courts martial for trial of troops of East India Company shall have power to take and administer oaths, &c., and to proceed as directed by his Majesty.

VII. AND be it further enacted, that all regimental and garrison and other courts martial which shall be held for the trial of any offences committed by the troops in the service of the said United Company shall have full power and are hereby authorized and required to take and administer such oaths, and to proceed in such manner in the trial of offences as his Majesty shall from time to time think fit to order and direct.

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CHAPTER CII.

AN ACT for the more effectually preventing the administering and taking of unlawful Oaths in Ireland; and for the Protection of Magistrates and Witnesses in Criminal Cases. [20th June 1810.]

WHEREAS divers wicked and evil-disposed persons have from time to time attempted to seduce several of his Majesty's subjects in Ireland from their duty and allegiance to his Majesty, and to associate them under the pretended obligations of oaths unlawfully administered: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that any person or persons who at any time after the passing of this Act shall administer or cause to be administered, tender or cause to be tendered, or be present aiding and assisting at the administering or tendering, or who shall by threats, promises, persuasions, or other undue means cause, procure, or induce to be taken by any person or persons in Ireland, upon a book or otherwise, any oath or engagement importing to bind the person or persons taking the same to be of any association, brotherhood, committee, society, or confederacy whatsoever, in reality formed or to be formed for seditious purposes, or to disturb the public peace, or to injure the persons or property of any person or persons whatsoever, or to compel any person or persons whatsoever to do or omit or refuse to do any act or acts whatsoever, under whatever name, description, or pretence such association, brotherhood, committee, society, or confederacy shall assume or pretend to be formed or constituted, or any oath or engagement importing to bind the person taking the same to obey the orders or rules or commands of any committee or other body of men not lawfully constituted, or of any captain, leader, or commander (not appointed by or under the authority of his Majesty, his heirs and successors), or to assemble at the desire and command of any such captain, leader, commander, or committee, or of any person or persons not having lawful authority, or not to inform or give evidence against any brother, associate, confederate, or other person, or not to reveal or discover his or her having taken any illegal oath, or not to reveal or discover any illegal act done or to be done, or not to discover any illegal oath or engagement which may be administered or tendered to him or her, or the import thereof, whether such oath shall be afterwards so administered or tendered or not, or whether he or she shall take such oath

Penalty on persons in Ireland administering or taking oaths for seditious purposes.

or enter into such engagement or not, being by due course of law convicted thereof, shall be adjudged guilty of felony and be transported for life; and every person who shall take in Ireland any such oath or engagement importing so to bind him or her as aforesaid, and being by due course of law thereof convicted, shall be adjudged guilty of felony and be transported for seven years.

Necessity shall justify offenders, provided they give information to a justice in time and manner herein mentioned.

II. PROVIDED always, that any person or persons who may have been compelled by inevitable necessity to commit any of the offences aforesaid, upon proof of such inevitable necessity, shall be excused and justified: Provided that no such inevitable necessity shall justify or excuse any such person or persons, unless he, she, or they shall within ten days, if not prevented by actual force or sickness, and then within seven days after such actual force or sickness shall cease to disable him, her, or them from giving information of the same, disclose to one of his Majesty's justices of the peace in the county in which he, she, or they shall then be, by information on oath, the whole of what he, she, or they know touching the compelling him, her, or them to commit any such offence, and of the person or persons by whom he, she, or they were compelled to commit such offence, and who were present at the time such offence was committed, and of the place where the same was committed: Provided however, that no person shall be so excluded from the defence of inevitable necessity who shall be tried for the said offence within the said period of ten days from the commission of such offence, or of seven days from the time when such force or sickness shall cease as aforesaid.

Aiders and abettors in administering oaths deemed principals.

III. AND be it further enacted, that all persons present aiding and assisting at the administering or tendering of any such oath or engagement, and all persons causing any such oath or engagement to be administered or tendered, though not present, shall be deemed principal offenders, and tried as such, though the person or persons who actually administered or tendered such oath or engagement shall not have been tried or convicted.

Purport of oath sufficient in indictment.

IV. AND be it further enacted, that it shall not be necessary in any indictment to be found against any person for administering, tendering, or taking such oath or engagement to set out the words of such oath or engagement, and that it shall be sufficient to set forth therein the purport or object of such oath or engagement.

Informations of persons who shall lodge examinations, and shall be murdered or maimed, or kept by force from trials, shall be admitted as evidence.

V. AND whereas it has happened that persons who have given information against persons accused of crimes in Ireland have been murdered before trial of persons accused, in order to prevent their giving evidence, and to effect the acquittal of the accused: Be it declared and enacted, that if any person who hath given or shall give information or examination upon oath against any person or persons for any offence against the laws hath been or shall before the trial or trials of the person or persons respectively against whom such information or examination hath been or shall be given be murdered or violently put to death, or so maimed or forcibly carried away and secreted as not to be able to give evidence on the trial of the person or persons against whom such information or examination was given, the information or examination of such person so taken on oath shall be admitted in all courts of justice in Ireland as evidence on the trial or trials of the person or persons respectively against whom such information or examination was given: Provided always, that the information or examination of a witness secreted

Information of witness secreted shall

not be admitted, unless he be found to have been secreted by or on behalf of the accused.

shall not be evidence, unless it shall be found on a collateral issue (to be put to the jury trying the prisoner), that the person so secreted was secreted by the person then on trial, or by some person or persons acting for him or her, or in his or her favour.

Where a witness, magistrate, &c. shall be maimed or murdered on account of evidence, or of exertion used to bring offenders to justice, grand jury may present a sum for such person, or his representative.

VI. AND be it further enacted, that if it shall appear that any person having given information or evidence against any person or persons charged with any offence against the public peace shall have been murdered or maimed previous to the trial of the person or persons accused by such information or evidence or of any of them, or on account of any such evidence given, or that any magistrate or other peace officer shall be murdered or maimed on account of his exertions as such magistrate or peace officer to bring disturbers of the public peace to justice, it shall and may be lawful to and for the grand jury of the county, county of a town, or county of a city within which such murder or maiming shall have been committed respectively to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of such witness, magistrate, or peace officer who shall be murdered, or to such witness, magistrate, or peace officer who shall be maimed, having regard to the rank, degree, situation, and circumstances of such witness, magistrate, or peace officer, to be raised on the county at large, barony, half barony, or parish in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury.

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Magistrates may act in adjacent counties, &c.

VIII. AND be it further enacted, that it shall and may be lawful to and for all magistrates of the adjacent counties at large respectively to execute this Act within the several counties of cities or counties of towns in Ireland, except the county of the city of Dublin; and in like manner that the several magistrates of such counties of cities and counties of towns shall have like powers to execute this Act in the adjacent counties at large.

Powers of this Act extended to all magistrates.

IX. AND be it further enacted, that all the powers and authorities given to and all duties required from magistrates of counties at large under and by this Act, shall be and are hereby given to and required from all magistrates of counties of towns or counties of cities in Ireland.

Limitation of actions.

X. AND be it further enacted, that if any action, suit, plaint, or information shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance and execution of this Act, the same shall be commenced within six months after the offence committed, and shall be brought or laid within the county where the act was committed; . . . .

Treble costs.

. . . . . and if the plaintiff or prosecutor shall become nonsuit or forbear prosecution or suffer a discontinuance, or if a verdict or judgement on demurrer shall pass against him, the defendant shall recover treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

CHAPTER CV.

AN ACT to regulate the Manner of making Surcharges of the Duties of Assessed Taxes, and of the Tax upon the Profits arising from Property, Professions, Trades, and Offices, and for amending the Acts relating to the said Duties respectively. [20th June 1810.]

WHEREAS it is expedient that certain of the powers and provisions contained in any Act or Acts relating to the duties of assessed taxes or to the duties arising from the profits of property, professions, trades, and offices should be amended in the particulars herein-after mentioned: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several surveyors and inspectors appointed or to be appointed by his Majesty in pursuance of the said Acts to carry into execution the powers therein given to them in that part of Great Britain called England shall, in making any increase of duty either on the returns of parties or the estimates of assessors or the assessments made by commissioners under the said Acts, observe the following rules and directions for their government, and shall be subject to the several provisions therein contained; which rules and directions shall be of the like force and effect as if the same were herein inserted under a special enactment.

After passing of this Act surveyors and inspectors under Acts relating to assessed taxes and income tax shall observe the following rules in charging any additional duty.

RULES and DIRECTIONS for making objections and charges, and for limiting the times of making the same in certain cases, in that part of Great Britain called England.

First.—Every surveyor and inspector appointed or to be appointed in pursuance of the said Acts or any of them shall be and they are hereby empowered and strictly enjoined and required to inspect and examine all and every the returns of lists, statements, declarations, accounts, or estimates made by any person or persons chargeable to the said duties or any of them, or by any assessors of any of the said duties according to the directions of any Act or Acts before mentioned, and also all and every the first assessments of the said duties or any of them made for any parish, ward, or place for any year, as well before as after the respective commissioners acting in the execution of the said Acts respectively shall have signed and allowed the first assessments made for such parish, ward, or place for that year; and if he or they shall discover any error or wrong amount or computation of duty therein, or that any person who ought to be charged with the said duties or any of them shall have duly made a return as required by the said Acts respectively but shall have been omitted to be charged with the said duties or any of them, or shall be under-rated in the said first assessment, and that the said return doth contain matters sufficient whereby the said surveyor or inspector may rate such person in the said first assessment to the full duties chargeable upon him or her according to or by or from such return, it shall be lawful for the said surveyor or inspector, and they respectively are hereby required, before such allowance to correct and amend such assessments, and to charge such person to the full amount and at the full rate or duty at which he or she ought to be charged according to his or her return so delivered.

Surveyors and inspectors shall examine returns and assessments;

and where it appears that persons are not charged, or are not sufficiently charged, shall amend the first assessments and charge such persons.

If, after first assessments are allowed, the surveyor or inspector shall discover that any person has made no return, or an insufficient return, he shall certify the omission, and the additional amount of single duty which ought to be charged, to the commissioners.

Second.—If any such surveyor or inspector shall, after any such assessment or assessments in respect of the duties of assessed taxes shall be signed and allowed by the said commissioners, or if any such surveyor or inspector shall, after any such assessment or assessments in respect of the duties arising from the profits of property, professions, trades, or offices shall be signed or allowed by the commissioners acting for the general purposes of the Acts relating to the said duties, find or discover upon his survey or examination or otherwise that any person liable to the said duties or any of them in respect of which such lists, statements, accounts, or estimates as aforesaid ought to have been delivered hath not made any return as by the said Act or Acts is required, or hath omitted any person or any property or profits, or the amount or value thereof, or any article, matter, or thing, or any description of the same which ought to have been returned, or hath not returned the full amount or value of any property or profits as required by any of the said Acts, so that he or she shall not on account of such default or omission have been charged to the amount which ought to be paid by him or her, or that any exemption, allowance, or deduction which is not allowed by the respective Acts relating to the said duties shall have been claimed in or by such return, then and in every such case it shall be lawful for the said surveyor or inspector to certify the same in writing, together with an account of every such default, omission, or claim, with the name or description of the person or thing not returned or omitted to the best of his knowledge and belief, and the full amount of the single duty by which the assessment ought to be increased, explicitly stating the particulars in respect of which such charge has been made, and to deliver the same to any two or more of the said commissioners for putting in execution the said Acts respectively, or to their clerk, in order to have such default, omission, or claim, and the under-rate occasioned thereby rectified; and such commissioners are, upon the delivery of any such certificate, and upon oath being first made either by the inspector or surveyor or any other credible witness or witnesses who shall have served the same that a notice to the effect herein-after mentioned was duly served, required to sign and allow the said certificates, and to cause supplementary assessments to be made according to such certificates, subject to appeal as herein-after is allowed.

Upon delivery of such certificate, and upon oath being made that notice was given to the party, the commissioners shall allow the certificate and make a further assessment, subject to appeal.

For these purposes lists and estimates shall be delivered and assessments produced to the surveyors.

Third.—Every person in whose custody any such lists, statements, accounts, or estimates shall be shall and is hereby required upon the request of any such surveyor or inspector as aforesaid to deliver the same into his custody for the purposes aforesaid, taking his receipt for the same; and every person in whose custody any such assessment shall be shall and is hereby required upon the request of such surveyor or inspector as aforesaid to produce the same; and such surveyor or inspector is hereby authorized to take charge of the same until he shall have taken such copies of or extracts from the same as may be necessary for his and their better information.

Notice of further charge to be given to person charged.

Fourth.—The said inspectors and surveyors shall give or cause to be given to every person so charged, or leave or cause to be left at his or her last or usual place of abode in the district where such charge was made, or on the premises charged with the assessment, as the case shall require, and as shall have been directed by the several Acts relating to the said duties respectively, notice in writing of such charge, and of the amount of duty to be included in the certificate of such charge, and the particulars thereof; which charges the said

Charge to be made at or

inspectors and surveyors are hereby empowered to make at or before such times as are directed by the said Acts or this Act for the delivery of the certificates of such charges to the said respective commissioners.

before delivery of certificate to commissioners.

Fifth.—In default of a meeting of the said respective commissioners before the time limited by the said Acts or this Act for the hearing of any appeals from the charges of the said surveyor or inspector, or if the said surveyor or inspector shall not have had notice of a meeting of the said respective commissioners, it shall be lawful for the said commissioners, and they are hereby required, at their first meeting to be held thereafter to sign and allow the said certificates, and afterwards to hear and determine all appeals therefrom.

If commissioners do not meet before the time for hearing appeals, they shall at their then next meeting allow the surveyor's certificate, and hear any appeal against it.

Sixth.—The certificate delivered to the commissioners containing the day or days of service of the notice delivered to the party charged shall be deemed sufficient proof of the contents thereof, unless the contrary be shown on the production of such notice to the said respective commissioners by the party charged; and no proof of the contents of any such notice shall be required by the said commissioners to be given to them, either by a copy thereof or otherwise, previous to their signing or allowing the said certificates, nor upon appeal therefrom, nor other proof in any matter relating to the same, except as aforesaid, and except the oath of the person or persons who shall have served such notices as herein-before directed, and which shall be in the form and to the effect following; that is to say,

Certificate containing day of service of notice on party charged shall be deemed sufficient proof of contents of notice, unless the contrary be proved.

Proof of service of notice.

'I A.B. do swear, that a notice in writing was duly served upon each person 'mentioned in the above certificate, containing the particulars as set 'forth therein respectively, on the day or days mentioned in the said cer-'tificate.'

Seventh.—No assessment made or to be made by any assessor or assessors of the said duties respectively, nor any charge made or to be made by any surveyor or inspector upon such assessment, shall be impeached or affected by reason of any mistake in the christian or surname or either of them of any person liable to any of the said duties, nor by reason of any mistake in the description of any property or profits, or of any servant or person, or of any article, matter, or thing for which the person so charged shall be liable to any of the said duties, nor by reason of any mistake in the amount of the duty charged, nor by any variance between the notice and the certificate of charge, whether such mistake shall appear in or such variance shall arise from the notice and certificate to be delivered or made in such case or in either of them, but that all such assessments and charges shall be valid and effectual to all intents and purposes, notwithstanding any such mistake or variance; provided that in cases of charge the notice thereof be duly served on the person intended to be so charged, and such notice and certificate do severally contain in substance and effect the several particulars on which such charge shall have been made; and every such charge shall be heard and determined on the merits in such manner as in the said Acts or in this Act is directed.

Assessments or charges not to be impeached on account of mistakes in the names or descriptions;

but to be determined on their merits.

Eighth.—It shall be lawful for any person to whom such notice of charge shall be given as aforesaid, on occasion of his or her having neglected to make any return as required by the said Act or Acts, at any time previous to the time appointed for hearing appeals next after the delivery of such notice, to make out and deliver to the surveyor or inspector who shall have delivered the notice of charge a true, perfect, and complete list, statement, account, or

Person charged for neglect to make return may avoid double duty by making, before day for hearing appeals, a return and declaration as herein directed.

estimate of all matters and things required by the said Act or Acts to be returned, so that he or she may from such last-mentioned list, statement, account, or estimate so to be delivered be charged to the said duties respectively the full sum at which he or she ought to be charged by virtue of the said Act or Acts; provided that to every such list, statement, account, or estimate there shall be annexed a declaration in writing in the form and to the effect hereinafter mentioned; and if the said surveyor or inspector shall be satisfied with such list, statement, account, or estimate, and the declaration annexed thereto, then he shall certify such return and declaration annexed thereto to two or more of the said commissioners, with the amount of the duty to be charged, who shall thereupon cause the assessment to be made according to such certificate, and the same rate of single duty as set forth in the said several Acts respectively to be charged on the person making such return, without further trouble or delay; but if upon examination of such list or return and declaration annexed thereto the said surveyor or inspector shall see just cause to object thereto, he shall thereupon certify such return and declaration annexed thereto, together with the cause of his objection, to two or more of the said commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate in double the amount of the duty at which he or she shall be charged, and from which charge no abatement shall be made on any pretence, unless on appeal as herein-after is directed; of which objection notice shall be given by the surveyor or inspector to the person to be charged thereby, together with the cause of his objection to the said return and declaration to be annexed thereto, and the said commissioners shall determine the said objections on the merits without further notice of appeal from the party so charged.

Surveyor, if satisfied therewith, may certify the same, and the party shall be charged at single duty;

but, if dissatisfied, shall state his objection to commissioners, who shall thereupon assess the double duty;

notice of objection to be given to party charged.

Ninth.—Every such declaration in cases where no return hath been previously made by the person so charged for the same year shall allege and declare in substance or to the effect as follows; (that is to say)—That he or she the said exhibitant was not at his or her dwelling-house or other place of abode at the time appointed for the fixing or delivery of general or other notices for making a return as required by the said Act or Acts, nor between that day and the time limited for making such return to the assessor; and that he or she hath not received or had any knowledge of any such notice; or that he or she was disabled by sickness from making such return; or that the non-delivery of such return was occasioned by the following mistake or accident, without any intention to defraud the revenue; videlicet [here set forth the cause of such default]; and that the return to which the declaration of the said exhibitant is annexed is a full, perfect, and complete return of all matters and things required of the said exhibitant by the said Act or Acts or by this Act to the best of his or her judgment and belief;—which declaration and return shall severally and respectively be signed by the party making the same in the proper name and handwriting or sign of the said party, and attested by any one or more credible witness or witnesses who shall have seen the said party subscribe or sign the same, and shall attest the signature thereof in the proper names and handwriting of the said witness or witnesses respectively; provided every such witness shall be an inhabitant of the same ward, parish, or place where the said party shall reside, and who shall be rated in the assessment of the same duties for the same ward, parish, or place aforesaid,

Declaration to contain a satisfactory excuse for neglect to make return, and to be attested by credible witnesses.

or if in any place there shall be no inhabitant competent to be such witness, then the said declaration shall be attested by some credible witness rated as aforesaid, and residing in the next adjoining parish where the said party shall reside.

Person charged for omission, &c. in a return may agree to the additional charge, and be charged with single duty only;

Tenth.—It shall be lawful for any person to whom such notice of charge shall be served on occasion of his or her having omitted in the return before made for the same year any person, property, profits, description, statement, account, or estimate, or any article, matter, or thing which ought to have been contained in such former return, or which shall be mentioned in such notice of charge not to be contained in such former return, or of having claimed any exemption, allowance, or deduction not allowed by the said Act or Acts respectively, or of having returned the amount or value of any property or profits at less than the sum which ought to be returned according to the said Acts respectively, if he or she shall consent or agree to such charge, to give notice in writing of his or her consent accordingly to the said surveyor or inspector; and the said surveyor or inspector shall certify such consent and the amount of the single duty which ought to be charged to the said commissioners, according to which certificate the party charged and consenting thereunto shall be assessed in the single duty, and such consent shall be deemed equivalent to an amended return and declaration as required by this Act; or such person so charged, if he or she shall not so consent or agree in manner aforesaid, may amend such former return by delivering to the surveyor or inspector as aforesaid a supplementary list, statement, account, or estimate according to the directions of the said Acts respectively, and, as the case may require, to which a declaration in writing shall be annexed to the effect hereinafter mentioned; and the said surveyor or inspector shall be at liberty to certify his satisfaction therewith or his objection thereto to the said respective commissioners according to which certificate the party charged shall be assessed in the single duty, if such surveyor or inspector shall be satisfied therewith, or in the double duty in the manner herein-before directed in cases where no previous return shall have been made, and, as the case may require, subject to the like power of appeal from such objection and to the like proceedings in all other respects as are before given.

or may object to the charge and make a further return and declaration, in which case he shall be charged with single or double duty according as the surveyor shall or shall not be satisfied with such further return.

Form of declaration in such last-mentioned cases,

Eleventh.—Every such last-mentioned declaration shall allege and declare the grounds and cause of each omission made or mentioned in such notice of charge to have been made in such former return, and also the grounds and cause of each claim of exemption, allowance, or deduction, and also that the return to which the said declaration is annexed is a full, perfect, and complete return of all matters and things required of him or her by the said Act or Acts or by this Act to which the said charge shall relate to the best of his or her judgment and belief, and that such omission or claim was not made with intention to defraud the revenue; which said last-mentioned declaration and return shall severally and respectively be signed and attested in the manner before directed in cases of other declarations and returns before mentioned.

No return of particulars already returned: the party charged may give notice that he

Twelfth.—No return or declaration shall be required of any property, profits, article, matter, or thing of which the party charged shall have made a due return for the same year, but the said party shall be at liberty to give notice in writing to the said surveyor or inspector that he or she doth abide by such former return, or may make out and deliver a supplementary return and

abides by his original return, or may make a supplementary return and declaration;

declaration in the manner before directed; which return and declaration, together with the return before made, subject nevertheless to the objection of the said surveyor or inspector in manner aforesaid, shall be deemed full, perfect, and complete returns, if the same shall together include all articles,

no person shall be liable to penalties in respect of particulars properly returned.

matters, and things for which the party so charged shall be chargeable; and no person shall be liable to the penalties contained in this Act for any article, matter, or thing which shall have been returned by him or her in manner aforesaid so that he or she might have been fully charged to the said respective duties chargeable thereon, but only for such articles, matters, or things which shall not have been returned by him or her in manner aforesaid.

Surveyor or inspector making vexatious charge, &c.

Thirteenth.—If any surveyor or inspector shall wilfully make any false and vexatious charge of any of the said duties, or shall wilfully deliver or cause to be delivered to the respective commissioners for executing the said Acts or any of them any false and vexatious certificate of charge of any of the said duties, or any false and vexatious certificate of objection to any supplementary return, or shall be guilty of any fraudulent, illegal, or unjust conduct in the prosecution of any charge of any of the said duties, or shall wilfully neglect the duty of his office, or in any manner offend against the laws for regulating the duty of his said office, and the same shall be proved on the certificate of the said respective commissioners of the division where such offence shall be committed, or any two or more of them, or on the affidavit on oath or solemn affirmation, to be taken before any one of the said respective commissioners, of any credible person or persons, to the satisfaction of the commissioners for the affairs of taxes, or any two or more of them, or by the confession of the said surveyor or inspector, it shall be lawful for the said commissioners for the affairs of taxes for any such offence to suspend the payment to the said surveyor or inspector of all or any reward, emolument, or advantage which the said surveyor or inspector would be entitled to under the said Acts or any of them for any increase of duty or overplus above the rate of duty occasioned by the information or charge of the said surveyor or inspector, or such part thereof as the said commissioners for the affairs of taxes shall deem just and necessary, and finally to withhold the same and direct the same to be paid by the receiver-general into his Majesty's receipt of Exchequer, unless the lords commissioners of his Majesty's Treasury shall think fit to restore the same to the said surveyor or inspector, or to mitigate and lessen the sum so to be withheld and paid over into his Majesty's Exchequer: Provided always, that nothing herein-before contained shall be construed to impeach or affect any action or suit for the recovery of any penalty or penalties imposed by any former Act or Acts against such surveyor or inspector for any such offence or offences as aforesaid, or for any false and vexatious charge of any of the said duties; but all such penalties and the powers for recovery thereof shall be and remain in force notwithstanding the powers of this Act or any act or thing done in pursuance thereof.

Persons appealing to the commissioners shall upon hearing of appeals produce lists, &c. of all matters required to be

Fourteenth.—Where any person or persons thinking himself, herself, or themselves respectively overcharged or overrated by any charge or certificate of objection by any surveyor or inspector as aforesaid, or by any assessment to be made by virtue or in pursuance of such charge or certificate, shall have appealed therefrom to the said commissioners according to the directions of the said Acts respectively, the appellant shall, upon the hearing such appeal, in all cases

where a list, statement, account, or estimate in writing shall or ought to have been delivered by the said appellant to the assessor, produce or caused to be produced before the said commissioners a true, perfect, and complete list, statement, account, or estimate, as the case may require, to the best of the judgment and belief of the said appellant, with a declaration in writing thereunto annexed, to the effect herein-after mentioned; (that is to say,) the said appellant shall declare that the list, statement, account, or estimate to which the said declaration is annexed doth contain all matters and things required of the said appellant to be returned by him or her for which he or she is chargeable by virtue of any Act or Acts to the best of his or her judgment and belief; which return and declaration shall severally and respectively be signed by the said appellant in the proper name and handwriting of the said appellant; and in default of the production of such list, statement, account, or estimate by or on the behalf of the said appellant, with such declaration annexed, the said commissioners shall confirm the charge or objection against which such appeal was made.

returned for which they are chargeable.

Charges appealed against to be confirmed in default of production of such lists, &c.

Fifteenth.—Upon every charge allowed or confirmed by the respective commissioners, in the whole or in part, upon which any increase of duty shall be made, the assessments thereupon shall be made in double the amount of duty which shall have been charged in the supplementary assessments on occasion of such charge, unless where the same is otherwise provided for by this Act.

Assessments to be made in double duty where the charge is allowed or confirmed.

Sixteenth.—Where an amended return with a declaration annexed thereto shall not be delivered to the surveyor or inspector, and where no list, statement, account, or estimate with such declaration annexed as aforesaid shall be produced to the said commissioners on the hearing of such appeal, it shall not be lawful for the said respective commissioners to make any abatement, defalcation, or remission of the said double duty or any part thereof, but the same shall stand good and remain part of the annual assessment, unless the party charged shall have given notice of his or her consent to the charge of the said surveyor or inspector, or unless the said respective commissioners shall be of opinion that the said surveyor or inspector was or were enabled to correct or amend the first assessments of the said duties for that year according to the directions of this Act by means of or by reference to the original return of the party so charged; in which cases it shall be lawful for the said commissioners who shall have confirmed such charge at the same time to remit and strike off the whole of the said double duty.

Double duty may be remitted where the party submits to the further charge, or where the surveyor might have amended the first assessment by the original return.

Seventeenth.—Upon every charge confirmed upon appeal, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said Acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction hath been duly accounted for, and that the cause or causes have been truly stated in any amended return and annexed declaration, and that the appellant had a just or reasonable cause of controverting the said charge, and that the said default, neglect, omission, or claim of exemption, allowance, or deduction was not wilfully made, and with intention to defraud the revenue, it shall be lawful for the said commissioners who shall have determined the said appeal, although they shall have confirmed the charge in part or in the whole, at the same time to remit and strike off the whole of the double duty.

Double duty may be remitted if amended return is made, and the commissioners are satisfied that there was no intention to defraud.

If no amended return is made, a moiety of double duty may be remitted where the default has not been fraudulent;

Eighteenth.—Upon every charge confirmed upon appeal, although no amended return shall have been delivered to the surveyor or inspector as allowed by this Act, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said Acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction was not wilfully made, and with intention to defraud the revenue, it shall be lawful for the said commissioners who shall have determined the said appeal at the same time to remit and strike off any part of the said double duty, not exceeding one moiety thereof: Provided that in every such case, if the appellant shall prove to the satisfaction of the said commissioners that he or she hath been prevented from making such amended return within the time herein limited by absence or sickness or other sufficient cause, and that such default, neglect, omission, or claim as aforesaid was not wilfully made, and with intention to defraud the revenue, it shall be lawful for the said commissioners to remit and strike off the whole of the said double duty.

or the whole, if the party was prevented from making amended return by sickness, &c.

No double duty where the party is not required to make a return.

Nineteenth.—Nothing herein contained shall be construed to grant the double duty, or any part thereof, or any of the said duties, if the party charged shall not by the laws in force at and immediately before the passing of this Act be directed to return the article, matter, or thing on which the said duties shall be chargeable, and for which the said party was so charged.

Increase of duty to be certified to commissioners of taxes;

who may direct reward to be paid to surveyor or inspector.

Twentieth.—Every increase of duty made by occasion of such charges, whether the whole of the double duty shall be remitted or not, and also the double duty, or such part thereof which shall not be remitted, shall be certified on the supplementary assessments to be made for each year under the hands of the said respective commissioners or any two of them to the commissioners for the affairs of taxes; and the said commissioners for the affairs of taxes shall have authority to direct the receiver general who shall have received the said increase and double duty to pay to the said surveyor and inspector out of the same, in such proportions as they shall think proper, or to either of them, as they see fit, any sum of money not exceeding the rate which shall have been settled by the lords commissioners of the Treasury or the high treasurer for the time being as a reward for their labour and diligence in making such increase of duty; and the certificate of the said commissioners for the affairs of taxes or any three or more of them shall be a warrant to the said receiver general to pay the same.

Surcharges not to be made in respect of property when objections to the estimates thereof have already been determined.

Twenty-first.—The determination of the commissioners acting for the general purposes of the Acts relating to the duties arising from the profits of property, professions, trades, or offices upon any objection made by the surveyor or inspector of the said duties to the estimate or value of any property, or to the estimate of the profits of any profession, trade, or office on which any assessment after appeal shall be made, shall be construed to preclude any surveyor or inspector from afterwards making a further charge on the same person or persons for the same property or profits for the same year of assessment; and in like manner the determination of the said commissioners upon every such objection to the estimates or value delivered by the assessors of the property in any parish, ward, or place in which assessments after appeal shall be made shall preclude the surveyor or inspector from afterwards making a further charge on the same property in the same parish, ward, or place in that year.

Twenty-second.—The objection of any surveyor or inspector to the estimate or estimates of any person or persons, or of the assessor or assessors of any parish, ward, or place, or to any assessment or assessments of additional commissioners in pursuance of the said last-mentioned Acts, in relation to the duties arising from the profits of property, professions, trades, and offices, shall not be construed to preclude any surveyor or inspector from afterwards charging the same person or persons for any other property, or the profits of any other profession, trade, or office not included in the estimate or estimates, assessment or assessments before objected to and determined as aforesaid; nor to preclude any surveyor or inspector from afterwards objecting to any other estimate or estimates, or assessment or assessments, or from afterwards charging any other person or persons in the same parish, ward, or place, or in any other parish, ward, or place in the same or any other division, in respect of any property or the profits of any profession, trade, or office not before objected to and determined as aforesaid; and the respective commissioners acting for the general purposes of the said last-mentioned Acts are hereby strictly enjoined and required to sign and allow such last-mentioned objections and charges according to the directions of the said Acts, in respect of the powers therein given to such surveyor and inspector: Provided that all such objections and charges be made within the times herein respectively limited.

Determination of objections to estimates not to preclude surcharges in respect of property not included in such estimates.

Twenty-third.—From and after the passing of this Act every objection to the estimates directed to be made by the said last-mentioned Acts in relation to the duties arising from the profits of property, professions, trades, or offices shall be made before the first assessments on such estimates shall have been signed and allowed by the commissioners for the general purposes of the said Acts, and not afterwards.

Objections to estimates to be made before first assessments on such estimates.

Twenty-fourth.—No charge upon any assessment under the said last-mentioned Acts in relation to the duties arising from the profits of property, professions, trades, or offices shall be allowed or signed unless the certificate thereof shall be delivered to the respective commissioners before the expiration of three calendar months after the fifth day of January in the year of such assessment, in case such assessment shall have been made on or before the said fifth day of January, or if such assessment shall not then have been made, unless the certificate of charge thereon shall be delivered to the said commissioners within three calendar months after such assessment shall have been made, except in the cases herein-after mentioned.

Charges to be made in a limited time.

Twenty-fifth.—If any person or persons shall have neglected to make a return of property or profits as required by the said last-mentioned Acts, and no estimate of the said property or profits nor any assessment shall be made thereupon for any year, it shall be lawful for the surveyor or inspector, on discovery thereof at any time within twelve calendar months after the expiration of the year when such return ought to have been made, to charge such person or persons to the amount which ought to have been returned, in like manner as such persons might have been charged within the year of assessment; and the like proceedings shall be thereupon had as if such discovery and charge had been made within the year of assessment; and every assessment thereupon made shall be added to the current assessments of the parish, ward, or place in the manner herein directed.

Charges in respect of property of which no estimate shall be made in any year may be made within 12 months after expiration of that year.

Double duty may within the like period be charged on any person escaping taxation by fraud.

Twenty-sixth.—If any person or persons shall by any falsehood, wilful neglect, fraud, covin, or contrivance whatever escape from taxation for the profits of any distinct property, profession, trade, or office for any year, it shall be lawful for the surveyor or inspector within the like period of twelve calendar months as aforesaid to charge such person or persons to double the amount of duty which ought to have been charged in the year of assessment upon such distinct property, profession, trade, or office; and upon proof of such falsehood, wilful neglect, fraud, covin, or contrivance to the satisfaction of the commissioners to whom such charge shall be certified, the assessment on the said double duty shall stand good, and be added to the supplementary assessment of the current year of the parish, ward, or place; and no part thereof shall be remitted on any pretence whatever.

Provisions before mentioned relating to charges in single duty shall be construed as applicable to the provisions of 43 Geo. 3. c. 161. and 46 Geo. 3. c. 65. &c., relating to surcharges in the double duty.

II. AND be it further enacted, that the several provisions in the preceding clause of this Act relating to charges in the single duty as aforesaid shall be construed, so far as the same respect the duties of assessed taxes in that part of Great Britain as aforesaid, as applicable to the provisions of an Act passed in the forty-third year of the reign of his present Majesty, intituled "An Act "for repealing the several duties under the management of the commissioners "for the affairs of taxes, and granting new duties in lieu thereof; for granting "new duties in certain cases therein mentioned; for repealing the duties of "excise on licences, and on carriages constructed by coachmakers, and granting "new duties thereon, under the management of the said commissioners for "the affairs of taxes, and also new duties on persons selling carriages by "auction or commission," and any other Act or Acts for regulating the said duties respectively, and relating to surcharges in the double duty; and as far as the said provisions respect the duties arising from the profits of property, professions, trades, and offices in that part of Great Britain as aforesaid, the same shall be construed as applicable to the provisions of an Act passed in the forty-sixth year of the reign of his present Majesty, intituled "An Act "for granting to his Majesty during the present war, and until the sixth day "of April next after the ratification of a definitive treaty of peace, further addi-"tional rates and duties in Great Britain on the rates and duties on profits "arising from property, professions, trades, and offices; and for repealing an "Act passed in the forty-fifth year of his present Majesty, for repealing cer-"tain parts of an Act made in the forty-third year of his present Majesty, "for granting a contribution on the profits arising from property, professions, "trades, and offices; and to consolidate and render more effectual the pro-"visions for collecting the said duties," and any other Act or Acts for regulating the said duties respectively, and relating to surcharges in the double duty, and as if the said provisions in the said clause of this Act relating to charges in the single duty had been expressly applied to the provisions of the said Acts respectively relating to surcharges in the double duty, and had been respectively enacted therein; and all provisions, clauses, matters, and things in the said several Acts respectively which are repugnant to the provisions in the said clause of this Act, and for which other provisions are made in this Act, except such provisions, clauses, matters, and things therein as relate to surcharges in the double duty, which are herein declared to be applicable to the provisions of this Act, shall severally cease and determine.

Provisions in recited Acts repugnant hereto, except such as relate to surcharges in the double duty, repealed.

Commissioners proceeded against for acts done in the execution of this or any Act, and obtaining a verdict, shall be entitled to costs, to be paid by receiver-general out of monies in his hands arising from duties.

III. AND be it further enacted, that in case any commissioner or commissioners acting in the execution of any such Act or Acts herein mentioned, or of this Act, shall by information or other process or proceedings whatsoever at the suit or on the behalf of his Majesty, his heirs or successors, be proceeded against or impleaded for or by reason of any matter or thing he or they may do or determine or may refuse or omit to do in or about the execution of any such Act or Acts, and upon the trial of such information or other process a verdict shall be given or any order or rule of court shall be made for such commissioner or commissioners, or such information or other process or proceeding shall be discontinued or withdrawn, or dismissed the court in which they shall have been prosecuted, then and in either of the said cases such commissioner or commissioners shall be entitled to his or their full costs of suit, to be taxed by the proper officer of such court as between attorney and client; and it shall be lawful for the commissioners for the affairs of taxes to direct the receiver general of the county within which any such commissioner or commissioners shall act, and the said receiver general is hereby required, to pay such taxed costs out of any money in his hands arising from the duties of assessed taxes, and which shall be allowed in the accounts of the said receiver general.

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43 Geo. 3. c. 161.

V. AND whereas by the said last-mentioned Act of the forty-third year of his present Majesty's reign it is enacted, that the respective commissioners should cause two duplicates of every assessment to be made out on parchment by their clerk within one month at farthest after the tenth day of February after the making the said assessment yearly, to be delivered as therein is mentioned, under a penalty on the clerk to the said commissioners who shall neglect or refuse to make out and deliver such duplicates within the time before directed: And whereas it is necessary to give further time for making out and delivering such duplicates: Be it further enacted, that in respect of the duties of assessed taxes the said respective commissioners shall cause the duplicates required by the said Act to be made out after the time appointed by the said Act for making the supplementary assessments of the said duties yearly, and within one month at farthest after all appeals from the said supplementary assessments shall have been heard and determined, and so that the same may be delivered to the receiver general and to the commissioners for the affairs of taxes respectively on or before the day to be appointed for the receipt of the last instalment of the said duties next after the fifth day of April yearly; and in respect of the duties arising from the profits of property, professions, trades, and offices the said respective commissioners shall cause the duplicates required by the said Act to be made out after the time appointed by this Act for making the supplementary assessments of the said last-mentioned duties yearly, and within one month at farthest after all appeals from the said supplementary assessments shall have been heard and determined, and so that the same may be delivered to the receiver general and to the commissioners for the affairs of taxes respectively on or before the day to be appointed for the receipt of the last instalment of the said last-mentioned duties next after the fifth day of July yearly; and no clerk to the said respective Commissioners who shall make out and deliver the respective duplicates required by the said Act within the time aforesaid shall be sued or

Time for making out and delivering duplicates of assessments in respect of assessed taxes and income tax respectively enlarged.

prosecuted for or liable to the penalty contained in the said Act by reason of not making out or delivering the said respective duplicates within the time directed by the said Act.

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Time for person charged to deliver in amended return, and appeal.

VIII. AND be it further enacted, that every person to be charged in pursuance of this Act by the certificates of any surveyor or inspector shall have the full period of ten days after service of the notice of such charge to deliver his or her amended return to such surveyor or inspector according to the directions of this Act, and no certificate of such charge shall be signed or allowed by the said commissioners, nor any appeal shall be heard from such charge, before the expiration of such period of ten days; and if the person so charged shall before the expiration of the said period deliver a return and declaration as aforesaid which the said surveyor or inspector shall object to, then such return and declaration shall be deemed to be a sufficient notice of appeal from such charge to the commissioners of the division, who are hereby required to hear and determine the matter thereof according to the directions of this Act; and if the person so charged shall not before the expiration of the said period of ten days deliver a return or declaration as aforesaid, it shall be lawful for the said commissioners, upon the appearance before the said commissioners of the person charged, or some person on his or her behalf, and the delivery to them of such list and declaration as is herein-before required on the day or days appointed for hearing appeals from the charges of such surveyor or inspector, to hear and determine the matter of such charge according to the directions of this Act, notwithstanding the person so charged shall not have given any previous notice of his or her intention to appeal: Provided that in default of the appearance of the party charged before the said commissioners, or some person on his or her behalf on such day or days of appeal, or in default of the production of such list or declaration as aforesaid, the certificate of such charge shall be confirmed by the said commissioners.

Hearing and deciding appeals.

Persons making false declaration guilty of a misdemeanor.

Penalty.

IX. AND be it further enacted, that if any person in any such declaration as aforesaid shall wilfully and fraudulently declare any matter or thing which shall be false or untrue, every person so offending and being thereof lawfully convicted shall be judged guilty of a misdemeanor, and shall be committed to the gaol of the county, riding, or shire where such offence shall be tried for any space of time not exceeding six calendar months, and shall be fined in such sum, not exceeding treble the amount of duty for which such person shall have been charged, as the court before whom such trial shall be had shall think fit to order.

Indictment for false declaration to be laid in the county, &c. where declaration exhibited.

X. AND be it further enacted, that any indictment for such misdemeanor in making a false declaration as aforesaid, whether such declaration shall be made within Great Britain or without, shall be laid, tried, and determined in the county, riding, or shire where such declaration shall be exhibited to the respective commissioners of the duties to which such declaration shall relate.

XI. AND whereas by an Act passed in the forty-eighth year of the reign of his present Majesty, intituled "An Act to amend the Acts relating to the "duties of assessed taxes, and of the tax upon the profits of property, pro- "fessions, trades, and offices, and to regulate the assessment and collection of "the same," certain rules and directions are contained for paying to the receiver general and accounting for the duties received by the collectors in

that part of Great Britain as aforesaid: And whereas it is expedient that the same should be altered and amended in certain particulars; Be it further enacted, that whenever any schedule of arrears shall have been or shall be transmitted by the respective commissioners acting in the execution of the Acts in relation to the duties therein mentioned or any of them to the receiver general of the said respective duties, and the commissioners for the affairs of taxes shall be of opinion that the said duties in arrear might more conveniently be collected by the respective collectors of the said duties in their respective districts according to the directions of the several Acts granting the said duties, or other Acts relating to the said respective duties, than by process to be issued out of the Court of Exchequer, it shall be lawful for the said commissioners for the affairs of taxes to direct the said receiver general to return the said schedules to the said respective commissioners from whom he or they received the same, and the said respective commissioners shall cause the said duties in arrear to be levied under all or any of the powers and by any of the ways and methods prescribed in the said Acts respectively, without delay.

Arrears of duties under 48 Geo. 3. c. 141. may be collected by collectors instead of by process out of Court of Exchequer.

CHAPTER CVIII.

AN ACT to amend and enlarge the Powers of an Act passed in the Second Year of his present Majesty, for the Encouragement of the Fisheries of this Kingdom, and the Protection of the Persons employed therein.

[20th June 1810.]

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V. AND be it further enacted, that in case any seaman or mariner, after he shall have entered into any agreement or taken any earnest for the performance of any fishing voyage or for any stipulated time of any fishing season, shall neglect or refuse to proceed on the intended voyage or voyages for which he shall have engaged or taken earnest, every such seaman or mariner shall forfeit for every such offence the sum of five pounds; and it shall and may be lawful, upon complaint made thereof to any of his Majesty's justices of the peace within their respective jurisdictions by the master or owner or owners, or any other person having charge or command of the vessel or boat in which such seaman or mariner engaged to go, for such justice, and he is hereby required, to issue his warrant to apprehend such seaman or mariner, and in case such seaman or mariner shall not pay such penalty, or give sufficient reason for such refusal to the satisfaction of such justice, then to commit such seaman or mariner to the house of correction, there to be kept to hard labour for any time not exceeding thirty days, nor less than fourteen days.

Punishment of seamen engaged for fishing voyages and refusing to fulfil agreements.

VI. AND be it further enacted, that if any master or owner of any ship, vessel, or boat shall hire, entice, harbour, entertain, or employ in any such ship, vessel, or boat any apprentice, seaman, or landman belonging to any fishing vessel or boat or who shall have engaged to go on any fishing voyage, knowing that such apprentice, seaman, or landman does belong to such fishing vessel, or has engaged to go on a fishing voyage, or after notice given thereof, every such master or owner as aforesaid on being convicted of any such offence shall for every such offence forfeit and pay the sum of twenty pounds, to be levied, recovered, and applied in manner herein-after specified.

Penalty on hiring or enticing apprentices or persons employed in fishing vessels.

Justices to try offences.

VII. AND be it further enacted, that all justices of the peace within their respective jurisdictions shall hear and determine all offences committed against the true intent of this Act; and that all pecuniary penalties and forfeitures inflicted and made payable by this Act, whereof the time of payment is not herein-before directed, shall be paid within twenty-four hours after the conviction of the offender, either by his or her confession or by the oath of one or more credible witness or witnesses, which oath every justice within his respective jurisdiction is hereby authorized and required to administer; and that any justice or justices within his or their respective jurisdiction may issue a warrant under his hand and seal or their hands and seals respectively directed to any peace officer within their respective jurisdiction to levy the same by distress of goods and chattels of the respective person and persons who shall be so convicted, and which shall be found within the respective jurisdiction of any such justice or justices; and if within five days from any such distress being taken the money forfeited shall not be paid, together with the costs of such distress, the goods so distrained shall be appraised and sold, rendering the overplus (if any), after deducting the penalty or forfeiture, and the costs and charges of the distress and sale, to the owner or owners thereof, which charges shall be ascertained by some justice or justices of the county, city, riding, division, or place in which the offender or offenders shall have been convicted; and if sufficient distress cannot at any time be found whereby the money which shall be forfeited by any offender or offenders against this Act can be levied on his, her, or their goods and chattels, then and in every such case, upon proof thereof upon oath before some justice or justices within whose respective jurisdiction any such offender or offenders shall reside or be, such justice or justices shall on the application of any prosecutor or prosecutors of any such offender or offenders issue a warrant under the hand and seal or hands and seals of any such justice or justices directed to some peace officer or officers to apprehend every such offender or offenders, if he, she, or they can be found, and to convey and commit every such offender and offenders to the house of correction of the county, city, or place where any such offender or offenders shall be found and apprehended, there to remain and be kept to hard labour for any time not exceeding one month, as any such justice or justices shall order, unless the money which shall be forfeited by such offender or offenders shall be sooner paid.

Penalties to be paid at once;

or levied by distress;

if sufficient distress not found, offenders may be committed.

Prosecutions to be commenced within three calendar months.

VIII. PROVIDED always, and it is hereby enacted, that no person shall suffer any punishment for any offence committed against this Act unless the prosecution for the same be commenced within three calendar months after such offence committed; and that where any person shall suffer imprisonment pursuant to this Act for any offence contrary thereto in default of payment of any penalty hereby imposed such person shall not be liable afterwards to pay such penalty.

Persons imprisoned for not paying penalties not liable to pay them afterwards.

Power to justices to summon witnesses, and punish them for non-attendance, or for refusing to give evidence.

IX. AND be it further enacted, that if it shall be made out by the oath of any credible person or persons to the satisfaction of any justice or justices of the peace that any one within the jurisdiction of any such justice or justices is likely to give or offer material evidence on behalf of the prosecutor or any offender or offenders against the true intent and meaning of this Act, or on behalf of the person or persons accused, and will not voluntarily appear before such justice or justices, and be examined and give his, her, or their evidence concerning the premises, every such justice or justices is and are hereby

authorized and required to issue his or their summons to convene every such witness and witnesses before any such justice or justices at such seasonable time as in such summons shall be fixed; and if any person so summoned shall neglect or refuse to appear at the time by such summons appointed, and no just cause shall be offered for such neglect or refusal, then, after proof by oath of such summons having been duly served upon the party or parties so summoned, every such justice and justices is and are hereby authorized and required to issue his or their warrant under his hand and seal or their hands and seals to bring every such witness or witnesses before any such justice or justices; and on the appearance of any such witness or witnesses before any such justice or justices every such justice or justices is and are hereby authorized and empowered to examine upon oath every such witness; and if any such witness on his or her appearance or on being brought before such justice or justices shall refuse to be examined on oath concerning the premises without offering any just cause for such refusal, any such justice or justices within the limits of his or their jurisdiction may by warrant under his hand and seal or their hands and seals commit any person or persons so refusing to be examined to the public prison of the county, riding, division, city, liberty, or place in which the person or persons so refusing to be examined shall be, there to remain for any time not exceeding fourteen days nor less than three days as any such justice or justices shall direct.

If offenders go to reside in other counties, justices of such other counties may back warrants, and either try persons apprehended themselves, or send them to a justice within whose jurisdiction the offence was committed.

X. AND be it also enacted, that in case any person against whom a warrant shall be issued by any justice or justices of the peace for any offence against this Act shall go into, reside, or be in any other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justice or justices who shall have granted any such warrant or warrants as aforesaid, it shall and may be lawful for any justice or justices of the peace of the county, riding, division, city, liberty, town, or place into which such offender or offenders against this Act shall go or be to indorse his or their name or names on such warrant (proof being first made on oath of such warrant having been signed by such other justice or justices), and every warrant so indorsed shall be sufficient authority to all persons to execute such warrant in such other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justice or justices who first granted such warrant, and every such justice and justices respectively, as the case shall happen, after indorsing any such warrant as aforesaid, may on the offender or offenders therein named being apprehended and brought before any such justice or justices within his or their respective jurisdictions hear and determine the matter of the complaint contained in every such warrant, in the same manner as if such complaint had originally arose within the jurisdiction of such justice or justices who shall have so backed any such warrant, or may direct the offender or offenders to be carried before a justice or justices within whose jurisdiction the offence was committed, there to be dealt with according to law.

Application of penalties.

XI. AND be it further enacted, that one moiety of all money which shall be forfeited for any offence which shall be committed against this Act (and not herein otherwise appropriated) shall when recovered go and be paid to the person or persons who shall prosecute to conviction any such offender or offenders, and the other moiety thereof shall go and be paid to the treasurer of Greenwich Hospital for the time being for the benefit of the same hospital.

Appeal to quarter sessions.

XII. PROVIDED also, and be it further enacted, that it shall be lawful for any person or persons who shall think him, her, or themselves aggrieved by any order or determination of any justice or justices of the peace upon account of any offence committed or supposed to be committed against this Act to appeal to the general or quarter sessions of the peace which shall be held for the county, city, riding, division, or place where any such offence shall have been committed next after the conviction of any offender or offenders for any offence committed against this Act, the person or persons so appealing first giving security in double the sum forfeited before such justice or justices to prosecute such appeal with effect, and to abide by the order or orders which shall be made on such appeal, and giving eight days notice in writing of his, her, or their intention to appeal to the party or parties on whose prosecution any such conviction shall be made, if there shall be so many days within the time of such conviction and such general or quarter session, and if not then the party or parties who shall deem him, her, or themselves aggrieved by any such conviction shall and may be at liberty to appeal to the next general or quarter session but one which shall be held next after any such conviction for the county, city, or place where any such conviction shall be made; and the justices in their said general or quarter session are hereby authorized and required to hear and determine the matter of every such appeal, and to make such order therein and to award such costs as to them shall appear just, and to cause to be levied under the order of any such session the costs which shall be awarded, together with such money as any such court of session on the hearing of any such appeal shall adjudge to be forfeited, by distress and sale of the goods and chattels of the person or persons who shall refuse to pay such costs and money forfeited, and if sufficient goods or chattels of any such offender or offenders cannot be met with to satisfy such costs and money forfeited, then by distress and sale of the goods and chattels of the person or persons who shall have become surety or sureties as aforesaid for the party or parties who shall have so appealed.

Form of conviction.

XIII. AND for the more easy conviction of offenders, be it further enacted, that the justice or justices of the peace before whom any person or persons shall be convicted of any offence against this Act shall and may cause the conviction to be drawn up in the following form of words, or in other to the same effect; (videlicet),

'BE it remembered, that on the day of in the year of the reign of his Majesty King , is [or, are] convicted before , one or more of his Majesty's justices of the peace for , by virtue of an Act passed in the fiftieth year of the reign of his Majesty King George the Third, intituled [here insert the title of this Act, specifying the offence and the time and place when and where the same was committed, as the case shall be] contrary to the said Act. [or, as the case shall be] for which offence, we [or, I] adjudge Given under our [or, my] hands and seals [or, hand and seal] the day and year first above written.'

Order or proceedings not to be quashed for want of form.

XIV. PROVIDED likewise, and be it also enacted, that no order or proceedings to be made or had by or before any justice of the peace in relation to the premises shall be quashed or vacated for want of form only; and that the

Order of

order which shall be made in the premises by the justices at their general or

quarter session of the peace as aforesaid shall be final; and that no proceedings of any such justice or justices out of session, or in their said general or quarter session in pursuance of this Act, shall be removeable by certiorari, letters of advocation or of suspension, or otherwise. justices to be final, and not removeable by certiorari.

XV. AND be it enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing which shall be done in pursuance of this Act, every such action or suit shall be brought and commenced within the space of six calendar months next after any such cause of action shall have accrued, and not afterwards, and shall be brought, laid, and tried in the county, city, or place in which the cause of action shall have arisen, and not elsewhere, and that the defendant and defendants in every such action and suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any such action or suit shall not be commenced within the time before limited, or shall be laid or brought in any other county, city, or place than where the cause of action shall have arisen, then and in any of such cases the jury shall find a verdict for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs in any such action or suit shall become nonsuit or discontinue his, her, or their action after the defendant or defendants therein shall have appeared, or if on any demurrer judgement shall be given for the defendant or defendants, then and in any of the said cases every such defendant or defendants shall have and recover treble costs, and shall be entitled to pursue and take such remedy for recovering of the same as any defendant or defendants hath or have to recover his or their costs in other cases by law. [Rep., 5 & 6 Vict. c. 97. s. 2.] Limitation of actions. Treble costs.

CHAPTER CXII.

AN ACT for abridging the Form of extracting Decrees of the Court of Session in Scotland, and for the Regulation of certain Parts of the Proceedings of that Court.[a] [20th June 1810.]

WHEREAS an Act was passed in the forty-eighth year of the reign of his present Majesty, intituled "An Act concerning the administration of "justice in Scotland, and concerning appeals to the House of Lords," by which Act his Majesty was empowered to name and appoint, and pursuant to which his Majesty did name and appoint, by his Majesty's royal sign manual, certain persons to make enquiries into the form of process in the Court of Session, and to report upon various matters therein particularly set forth: And whereas an Act was passed in the last session of Parliament, intituled "An "Act to give to the persons named by his Majesty, pursuant to the said recited "Act, farther time for making their report or reports:" And whereas the commissioners so appointed have made two reports to his Majesty and the two Houses of Parliament relative to the subject matter upon which they were directed to report: And whereas it is expedient that the mode of extracting judicial acts and decrees of the Court of Session hitherto in use should be 48 Geo. 3. c. 151. 49 Geo. 3. c. 119.

[a] Rep., 6 Geo. 4. c. 120. s. 1., so far as inconsistent with the regulations therein expressed; rep., 16 & 17 Vict. c. 80. s. 24., in so far as inconsistent with the enactment contained in that section.]

altered, and a more abridged form adopted, and that other regulations should be established, and amendments made in the forms of that court; which cannot be effected without the authority of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the present mode of extracting judicial acts and decrees shall from and after the passing of this Act cease and determine, together with all the fees and dues exigible for such extracts or relating thereto: Provided nevertheless, that the fees now payable to the lord chief clerk register and to the macers of the Court of Session, and to the keeper of the minute books upon acts and decreets, and to the housekeepers upon abbreviates of adjudication, shall continue to be paid and payable upon the abridged forms of extract prescribed by this Act.

Extracts of decrees at present in use abolished.

Certain fees on abridged forms of extract to be continued.

Forms of extracts to be observed.

II. AND be it enacted, that the forms herein prescribed for the extract of judicial acts and decreets, and the rules and regulations made relative thereto, shall from and after the passing of this Act be observed in all cases, whether of actions and processes at present or then depending or which may in future come into court, or of those which, although finished, have not been taken out of court by a final extracted decree; and the fees and dues hereby made payable in the case of extracts, and no other, shall from and after the passing of this Act be the fees and dues payable for such extracts.

Fees payable thereon.

Forms of extract in common actions and in advocations and suspensions.

III. AND be it enacted, that in actions for payment or performance or such other common proceedings, and in processes of advocation or suspension, the extract of the decree shall from and after the passing of this Act be in the form appearing from schedules (A.) (B.) (C.) (D.) and (E.) hereunto annexed respectively.

Form of extract in processes of adjudication.

IV. AND be it enacted, that in processes of adjudication, the extract of the decree shall from and after the passing of this Act be in the form which has heretofore been used for the abbreviate of the adjudication in case a decree shall be pronounced for the adjudger; but where the defender is assoilzied, the extract shall be in the form herein-before directed to be used in the case of decrees of absolvitor.

Form of extract in cessio bonorum.

V. AND be it enacted, that in actions of cessio bonorum, the extract of the decree shall be in the form at present used for the abstract in decreets of cessio, with an addition thereto of the names of all the creditors cited.

Form of extract in actions of proving the tenor and transumpt.

VI. AND be it enacted, that in actions of proving the tenor and transumpt, the extract shall contain a copy of the deed proved or transumed, with the judgments pronounced by the court, reduced into the form of what is at present termed the grand decerniture, in cases where decree shall be pronounced in favour of the pursuer; and in cases where the defender shall be assoilzied the extract shall be in the form herein-before prescribed in decreets of absolvitor.

Form of extract in actions of declarator.

VII. AND be it enacted, that in actions of declarator, the extract of the decree shall contain the conclusion of the summons and the judgments pronounced by the court, reduced into the form of the present grand decerniture.

Form of extract in actions of ranking and sale.

VIII. AND be it enacted, that in actions of ranking and sale the following regulations shall be observed; first, the extract of the act and commission for proving the value of the subject to be sold shall be in the form appearing from

schedule (F.) hereunto annexed; secondly, the extract of the decree of sale shall be in the form appearing from schedule (G.) hereunto annexed; thirdly, the extract of the decree of ranking shall be in the form appearing from schedule (H.) hereunto annexed; fourthly, the extract of the decrees of division shall be in the form appearing from schedule (I.) hereunto annexed; fifthly, there shall no longer be any extract of the decreet of certification in a process of ranking and sale, nor any act of roup pronounced, nor consequently any extract thereof, the letters of publication now in use rendering such acts unnecessary, but the extract of letters of publication shall be continued in their present form.

In certain actions no acts henceforth to be pronounced.

IX. AND be it enacted, that in actions of proving the tenor and of reduction no act shall henceforth be pronounced, and in actions of improbation acts for first and second terms shall be discontinued.

Form of extract in all cases not particularly provided for.

X. AND be it enacted, that in all other cases not herein particularly described, whether arising upon summons, bill, or petition, or petition and complaint, the extract of the decree shall be according to the forms herein set forth, with such variations as the nature of the case and the form of the application may necessarily require.

In appeals to House of Lords certified copies of proceedings to be received in evidence.

XI. AND be it enacted, that where an appeal shall be taken to the House of Lords, a full copy of the printed papers given into the Court of Session certified by one of the principal clerks of session, together with copies so certified of such interlocutors and minutes of the court as shall have been pronounced or framed subsequent to the date of the last of these printed papers, shall and may be received in evidence in such and the like manner as extracts of the whole proceedings are at present.

No record copy to be made:

Proceedings to be transmitted to general register house.

Duplicates of extracts shall be made by clerks, and after five years from final decreet shall be transmitted to general register house.

XII. AND be it enacted, that no record copy, as it is termed, shall henceforth be made; but at the expiration of five years after the date of the final decree or last proceeding in that court each process with all the steps of proceeding in it and productions not taken up by the parties shall be transmitted to and lodged in the general register house under the custody of the lord clerk register of Scotland; and duplicate shall be made of all extracts of decrees in the form herein prescribed, for which no fees shall be exigible except the ordinary charge for copying paid for copying at the time in the Court of Session, which duplicates shall from time to time be bound up in convenient volumes, and after remaining not more than five years after the date of the final decreet in the office of the clerk wherein such duplicates shall have been made, shall at the expiration of that period be regularly transmitted to the said general register house.

Office of extractor abolished.

Assistant clerks of session to prepare extracts.

[XIII.[a] AND be it enacted, that the offices of extractors in the Court of Session as heretofore constituted shall be abolished, and the six assistants of the principal clerks of session shall prepare the abridged forms of extract herein directed to be observed; each assistant executing that duty in such processes as belong to the department or closet of the principal clerk under whom he acts, or the corresponding depute clerk in the outer house.

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[a] So much of this Act as provides that the six assistants of the principal clerks of session shall prepare the abridged forms of extracts herein directed to be observed, and as provides salaries to such six assistants in respect of the preparation thereof, rep., 1 & 2 Geo. 4. c. 38. s. 17.]

Fees of clerks assistants to be continued, but no fees or salaries to be paid for extracts but those herein allowed.

[XVI.[a]] AND be it enacted, that the said assistants of the clerks shall and may continue to receive the fees to which as such assistants they are at present or may in future be entitled; but in their character of extractors according to the new forms hereby established they shall be entitled to no fee whatever except the ordinary charge for copying paid for copying at the time in the Court of Session; neither shall the principal clerks or the depute clerks of session be entitled to any fees whatever; but declaring that the said clerks and the said assistants of the principal clerks in their character of extractors shall be paid the following salaries, videlicet; . . . . . .

Salaries to be paid quarterly out of the fee fund.

[XVII.[a]] AND be it enacted, that the salaries herein-before provided shall from and after the passing of this Act be payable quarterly out of the fee fund hereby established, and if such fund shall at any time be insufficient for the payment of such salaries, the deficiencies shall be supplied in the same manner with the salaries payable to the judges of the Court of Session out of the monies which by several Acts made in the seventh and tenth years of the reign of Queen Anne were charged or made chargeable with the fees, salaries, and other charges allowed or to be allowed by her Majesty, her heirs or successors, for keeping up the Courts of Session, Justiciary, and Exchequer in Scotland.

The dues of court specified in schedule to form the fee fund.

XVIII. AND be it further enacted, that for the purpose of raising such fee fund the fees specified in the schedule hereunto annexed, intituled "Dues of "Court," shall be payable and exigible upon and for the several matters therein contained.

200*l.* per ann. to be paid out of the fee fund for defraying the expence of office rooms.

XIX. AND be it enacted, that the sum of two hundred pounds sterling per annum shall be paid out of such fee fund to the order of the principal clerks of session for defraying the expence of the office rooms of the whole principal and depute clerks of session, and all other charges and expences connected therewith; and the said principal clerks shall be bound and obliged to keep up and defray the expences of such office rooms, and to defray all such other charges and expences accordingly.

The present dues of court to be abolished and instead thereof the dues specified in schedule shall be taken and collected by a collector to be appointed, who shall also receive the clerks of sessions' proportion of registration fees.

XX. AND be it enacted, that the dues of court at present payable to the clerks of session and the present office of collector of the clerks dues shall be and the same are hereby abolished; and the dues mentioned in the said schedule shall be collected by a collector appointed by the lord president of the college of justice [Rep., Stat. Law Rev. Act, 1872 (No. 2.)], holding his office ad vitam aut culpam, who shall discharge his duty by personal attendance in court or in the collector's office during office hours, and by marking upon each paper that the proper dues or fees had been received of the date marked, without which marking no principal clerk or depute clerk of sessions, lords clerk, or clerks assistant shall receive any such paper into process; and such collector shall further demand and receive once a month or oftener from the keepers of the registers respectively, who shall be bound to pay to him, the proportion which the clerks of session have been in use to receive of fees paid upon registration, and upon extracts of deeds and instruments recorded in the

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[a] So much of this Act as provides that the six assistants of the principal clerks of session shall prepare the abridged forms of extracts herein directed to be observed, and as provides salaries to such six assistants in respect of the preparation thereof, rep., 1 & 2 Geo. 4. c. 38. s. 17.

books of council and session; and all such fees shall form part of the fee fund hereby established. Fees to be carried to fee fund.

XXI. PROVIDED always, and be it enacted, that such fees paid upon registration and upon extracts of deeds and instruments so recorded in the books of council and session shall remain in other respects as at present. Fees on registration, &c. in other respects to remain as at present.

XXII. PROVIDED always, and be it hereby enacted, that such collector shall be responsible for every person whom he may have occasion to empower to act for him in his absence, and for every clerk and person employed by him in the business of such collection, and shall find security for their as well as his own intromissions. Collector of dues to find security for himself and his deputies.

XXIII. AND be it enacted, that such collector shall further keep regular and distinct books for entering the fees and dues of court separately of the dates on which they are received, with the mark of the clerk's office, names of the parties, and the step of the proceedings upon which the same is paid, which books shall be open at all reasonable times for the inspection of the judges, the auditor of the court, and the principal clerks of session; and such collector shall at least once in every week lodge all monies so paid to him with the Bank of Scotland or the Royal Bank of Scotland, the interest received from which banks respectively shall make part of the fee fund hereby established, out of which such collector shall pay the salaries herein directed to be paid by means of such fees and dues; and if upon the thirty-first day of December in any year any balance shall remain upon such account, such balance shall be paid to the person or persons authorised to receive the said monies which by the said Acts made in the seventh and tenth years of the reign of Queen Anne were charged or made chargeable with the fees, salaries, and other charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, and Exchequer in Scotland as aforesaid. Collector to keep books for entering the fees. Money to be paid weekly into the bank. Salaries to be paid thereout. How balance shall be disposed of.

XXIV. AND in order to check the accounts kept by such collector, be it enacted, that books shall be kept by the respective clerks of court of each office, shewing the dues of court which according to the schedule hereunto annexed have or should have been received in each process under their charge on the several steps of that process on which such dues are payable; and such collector shall render his accounts at least twice in every year to any accountant to be named by the president of the college of justice; or if no such accountant shall be named, to the auditor of court, who shall compare and examine the same with the books so kept by the clerks aforesaid, and make his report thereupon to the court. Books to be kept by clerks of court, shewing what fees ought to have been received. Collector's accounts to be audited and compared with such books.

XXV. AND be it enacted, that such collector shall receive a remuneration for his trouble by a rate payable out of the said dues of four pounds per centum upon the amount thereof received by him. Collector to be paid four per cent. for his trouble.

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XXVIII. AND be it enacted, that all causes not exceeding the value of twenty-five pounds sterling shall from and after the passing of this Act be carried on in the first instance before the inferior judges, in the manner directed and with the exceptions specified in an Act passed in the third session of the second parliament of his Majesty King Charles the Second, intituled "Act concerning the regulation of the judicatories." Certain causes to be brought before inferior judges.

Permanent lords ordinary appointed,

XXIX. AND whereas it would facilitate the dispatch of business in the Court of Session if the duty of the outer house were done by a certain number of the ordinary judges officiating there in a more permanent manner than the present weekly rotation among the whole: Be it enacted, that the three junior ordinary judges of the first division of the Court of Session and the two junior ordinary judges of the second division shall be relieved from attendance in the inner house, and shall from and after the passing of this Act not sit therein, but shall sit as lords ordinary in the outer house to perform the business of the outer house; (that is to say,) two of the said judges, one of each division, shall officiate each week in the outer house for hearing causes in the rolls of suspensions, advocations, regulations, and ordinary actions; and such junior judges of either division shall officiate as lords ordinary, according to the rules and forms of proceeding for the time observed in processes depending before lords ordinary.

to hear causes in outer house.

Lords ordinary to administer oaths and examine witnesses.

XXX. AND be it enacted, that this regulation concerning ordinary judges in the outer house shall include the duty of administering oaths and examining witnesses, but shall not extend to the bill chamber, in which the business shall continue to be done as at present by all the ordinary judges in rotation.

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Quorum of inner house.

XXXII. AND be it enacted, that so soon as five junior ordinary judges shall officiate as permanent lords ordinary in the manner herein directed, three judges in either division shall be a quorum in the inner house; and the other judges of the Court of Session shall be relieved from attendance in the outer house and from performing the duties of lords ordinary therein.

Other judges relieved from attendance in outer house.

Grounds for allowing bills of advocation from interlocutory judgments of the commissary court.

XXXIII. AND be it enacted, that bills of advocation from interlocutory judgments of the Commissary Court shall be allowed only on the ground of contingency and incompetency, including incompetency in the mode of proof, and in this last case only with leave of the Commissary Court; and no bills of advocation from the Commissary Court shall be allowed from interlocutory judgements upon grounds of iniquity or error, but shall be competent only after final judgment before extract.

Bills of suspension from the Admiralty Court in maritime causes to be printed and reported;

XXXIV. AND be it enacted, that bills of suspension from the Admiralty Court in maritime causes shall, if not refused without answers, be in all cases ordered to be printed and reported to either the first or the second division of the Court of Session; and if any such bill of suspension shall be presented in time of vacation, and the lord ordinary on the bills shall not see cause to refuse the same without answers, he shall sist proceeding until the meeting of the court, to whom the same with the answers shall be then reported.

in mercantile causes to be regulated in manner herein-after prescribed.

XXXV. AND be it enacted, that bills of advocation and suspension from the Admiralty Court in mercantile causes shall be regulated in the manner herein-after prescribed in the case of advocations and suspensions from the judgements pronounced by sheriffs and other inferior judges.

Grounds for allowing bills of advocation from interlocutory judgments of the sheriffs and other inferior judges.

XXXVI. AND be it enacted, that bills of advocation from the sheriffs and other inferior judges in Scotland against interlocutory judgements shall be allowed only upon the following grounds; first, of incompetency, including defect of jurisdiction, personal objection to the judge, and privilege of party; secondly, of contingency; thirdly, of legal objection with respect to the mode of proof, or with respect to some change of possession, or to an interim decree

for a partial payment, provided that in the cases specified under this third head leave is given by the inferior judge.

Such bills on grounds of error not to be received against interlocutory judgments, but against final judgments only.

XXXVII. AND be it enacted, that bills of advocation from such inferior judges shall not in any case be received against interlocutory judgements upon grounds of iniquity or error, but only after final judgement shall have been pronounced.

Bills of advocation, &c. from final judgments of inferior judges to be passed without answers on caution found, unless it appears on the bill that it ought to be refused.

XXXVIII. AND be it enacted, that in cases where final judgement shall have been pronounced no written answer to a bill of advocation or suspension from such inferior judges shall be received, but in all such cases, whether the cause is brought before the Court of Session by advocation or suspension, the bill shall be passed without answers upon caution being found in the same manner in which caution is found in bills of suspension at present; save and except in cases where upon the face of the bill itself it shall appear that it ought to be refused, and in every such case it shall be refused accordingly.

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Bills of advocation and suspension from inferior judges when passed how to be proceeded in.

XL. AND be it enacted, that bills of advocation and suspension from inferior judges, when passed as above directed, upon being expede or upon a remit from the court, shall be inrolled in the roll of advocations and suspensions in the outer house; and the lords ordinary in the outer house and the judges in the inner house shall have the same power in every case of suspension which they now have in cases of advocation to remit to the inferior judge with instructions.

Bills of suspension and interdict.

XLI. AND be it enacted, that bills of suspension and interdict shall with respect to caution remain as at present, and the lord ordinary may grant interdict therein after advising the same with or without answers, but no replies or duplies shall be allowed: Provided nevertheless, that the lord ordinary upon the bills may if he thinks proper hear parties viva voce before granting or refusing the interdict.

Bills of suspension of charges on bonds, &c.

XLII. AND be it enacted, that in bills of suspensions of charges or threatened charges on bonds, bills of exchange or promissory notes, contracts, decreets arbitral, or other instruments registered for execution, and in the case of bills of suspension of decrees of removing, the proceeding shall be as at present, save and except that no replies or duplies shall be allowed, but the lord ordinary on the bills may if he thinks proper hear parties viva voce, and may pass or refuse the bills with or without answers.

Bills of suspension against decrees of Court of Session in foro.

XLIII. AND be it enacted, that in bills of suspension against decrees pronounced by the Court of Session in foro no replies or duplies shall be allowed, and in such cases the extracted decree shall be produced with the answers.

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Fees of auditor of court.

XLVIII. AND be it further enacted, that the fees specified in the schedule hereunto annexed, intituled "Rate of fees payable to the auditor of court," and no other, shall be payable to and exigible by the auditor of court, such fees, in the event of there being an auditor for each division, being divided equally between the two auditors.

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Fees demandable by writers to the signet for signet letters and service

LI. AND be it enacted, that fees demandable by writers to the signet for signet letters, and for proceedings in the service of heirs before the macers of the Court of Sessions, shall be the fees (and no others) appearing from the

of heirs before macers.

schedule hereunto annexed, intituled "Table of fees of ordinary signet letters, "and fees of service before the macers," respectively.

Contents of a sheet to be 300 words.

LII. AND be it enacted, that every sheet charged for by any practitioner in the Court of Session shall be calculated at the rate of three hundred words to the sheet; but if any such instrument shall contain fewer than three hundred words the same shall be charged at the rate of a sheet; and if after finding the sheet or sheets which any such instrument shall comprise, calculated at the rate aforesaid, any number of words less than three hundred words shall remain, such fewer words shall be charged as a sheet.

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SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM of EXTRACT of DECREET in an Ordinary Action for Payment of Debt.

AT Edinburgh, the day of , sitting in judgment the lords of council and session, they decerned and ordained and hereby decern and ordain defender to make payment to pursuer of the sum of sterling of principal contained in and due by the bond bill or other document or claim founded on in the libel [which must be shortly mentioned by date or otherwise, as expressed in the judgment of the court] or due in manner libelled on. Item, of the lawful interest of said sum from and since the day of till payment; and of the sum of of expences found due, and of the sum of sterling further as the expence of extracting this decreet; and ordain letters of horning on a charge of fifteen days, and all other execution to pass hereon in form as effeirs. Extracted by me, one of the principal clerks of session.

In Cases of Decrees in Absence.

The form will be the same as in the above, with the addition of the words "in absence" before the word "decerned," with such alteration in regard to expences as the circumstances of the case may require.

SCHEDULE (B.)

FORM of DECREET of ABSOLVITOR in an Ordinary Action for Payment of Debt.

AT Edinburgh, the day of , sitting in judgment the lords of council and session, they assoilzied and hereby assoilzie simpliciter defender from the whole conclusions of the summons and action insisted in before the said lords at the instance of against the said defender for payment of the sum of sterling, alleged to have been due by the defender to the pursuer by the bond bill or other document of debt or claim mentioned in the libel [which it will be necessary to refer to by date or description], and decerned and ordained, and hereby decern and ordain the said pursuer to make payment to the said defender of the sum of [here insert the sum of expences, if such are found due by the judgment of

the court]. Item, of the sum of farther as the expence of extracting this decreet; and ordain letters of horning on fifteen days charge, and all other execution to pass hereon in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE (C.)

FORM of EXTRACT in an ADVOCATION where the Cause is remitted simpliciter.

AT Edinburgh, the day of , sitting in judgment the lords of council and session in the process of advocation insisted in at the instance of against complaining of an interlocutor of the sheriff depute of dated the day of last, the said lords remitted and hereby remit the said action and cause simpliciter to the said sheriff depute, to the end he may proceed and administer justice therein to the final issue and conclusion thereof; and further decerned and ordained, and hereby decern and ordain the said advocator to make payment to the said defender of the sum of sterling of expences, and of the sum of as the expence of this Act, and remit and decreet and ordain letters of horning on fifteen days charge, and all other execution to pass hereon at the instance of the said defender against the said advocator for payment of these sums accordingly in form as effeirs. Extracted by me, one of the principal clerks of session.

In cases of a remit with instructions.

The form will be similar to the above, but reciting the instructions.

SCHEDULE (D.)

FORM of EXTRACT in a SUSPENSION where the Letters are found orderly proceeded.

AT Edinburgh, the day of , sitting in judgment the lords of council and session, in the process of suspension insisted in at the instance of against complaining of having been charged or threatened to be charged to make payment to the said of the sum of sterling of principal contained in and due by the bond bill or other document mentioned in the letters [which must be shortly described by title and date] and of the interest thereof, the said lords found and hereby find the letters and charge to be orderly proceeded, and decerned and ordained, and hereby decern and ordain the same to be put to further execution, and further decern and ordain the said suspender and his cautioner in the said suspension conjunctly and severally to make payment to the said charger of the aforesaid sum of sterling of principal; item, of the lawful interest thereof since the day of when the same fell due till payment, and of the sum of sterling of expences found due by the said suspender to the said charger for wrongous suspending; and of the sum of further as the expence

of extracting this decreet, besides the sum of as the expence of extracting the said bond of cautionary; and ordain letters of horning on a charge of fifteen days and all other execution to pass hereon, and on the extract of the suspender's bond of cautionary against the suspender and his cautioner conjunctly and severally in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE (E.)

FORM of EXTRACT in a SUSPENSION when the Letters are suspended simpliciter.

AT Edinburgh, the day of , sitting in judgement the lords of council and session in the suspension insisted in at the instance of against complaining of being charged or threatened to be charged to make payment to the said [the nature of the charge to be shortly stated] the said lords suspended the said letters and charge simpliciter, found the said charges liable in the sum of of expences, and decerned and ordained, and hereby decern and ordain the said charger to make payment to the said suspender of the said sum of of expences, and of the sum of as the expence of extracting the decreet; and ordain letters of horning on fifteen days charge and all other execution to pass hereon in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE (F.)

ACTIONS of RANKING and SALE.

FORM of ACT and COMMISSION in Ranking and Sale.

AT Edinburgh, the day of , upon a summons and action of ranking and sale insisted in and depending before the lords of council and session, at the instance of against and the following persons his creditors, videlicet [here enumerate the names of the different defenders cited in the action either edictally or otherwise], concluding that the following heritable subjects belonging to the said common debtor, videlicet; all and whole the lands of, &c. [here describe the several subjects contained in the summons] ought and should be sold under authority of the said lords, and the rents and prices thereof divided among his creditors according to their several rights of preference thereon; after some procedure had taken place in the action before the lord as ordinary thereto, the said lords of council and session of the date hereof sustained and hereby sustain the libel, and allowed and hereby allow the pursuer to prove pro ut de jure the yearly rent of the lands and others before specified, what the same have paid, do or may pay yearly, allowed and hereby allow the defenders a conjunct probation thereanent; and for that end gave and granted and hereby give and grant full power, warrant, and commission, &c. [agreeably to the terms of the interlocutor of the court, which must be engrossed]. Extracted by me, one of the principal clerks of session.

SCHEDULE (G.)

FORM of EXTRACT of DECREET of SALE.

AT Edinburgh, the day of , upon a summons and action of ranking and sale raised and insisted in before the lords of council and session at the instance of against and the following persons as his creditors, &c. [here enumerate the several defenders who appear to be cited to the action, either edictally or otherwise], concluding that the several heritable subjects belonging to the said as specified in the libel, and after described, ought and should be sold under authority of the court, and adjudged, decerned, and declared to belong to the person or persons who should offer most for the same at the roup thereof: After a proof had been adduced of the rental and value of the said subjects and that a roup of the same had taken place, the lords of council and session upon report of the lord found and hereby find the roup and sale of the said subjects carried on before his lordship on the day of last orderly proceeded, and that having offered for the said subjects the sum of sterling was the last and highest offerer for the same at the said roup, and was accordingly preferred to the purchase thereof by the lord reporter agreeably to the articles of roup, and has accordingly found caution in terms of the said articles; therefore the said lords sold, adjudged, decerned, and declared, and hereby sell, adjudge, decern, and declare all and whole, &c. [here the lands are to be specially enumerated] to pertain and belong to the said his heirs and assignees heritably and irredeemably, upon payment or consignation of the aforesaid price with the annual rent thereof in the terms mentioned in the articles of roup, and relative bond granted therefor [here the remainder of the interlocutor of the court must be taken in]; and ordain letters of horning to pass and be direct hereon against the superior of the said subjects for infefting the purchaser and his foresaids therein in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE (H.)

FORM of EXTRACT of DECREET of RANKING.

AT Edinburgh, the day of , in the summons and action of ranking and sale raised and insisted in before the lords of council and session at the instance of against and the following persons his creditors, videlicet [here enumerate the names of the different creditors cited], concluding that the following heritable subjects belonging to the said videlicet, all and whole, &c. [here describe the subjects], ought and should be sold under authority of the court, in terms of the several Acts of Parliament and acts of sederunt libelled on, and the rents and prices thereof divided among his creditors according to their several rights and diligences affecting the same, the following grounds of debt and diligences thereon were produced on the part of the respective creditors after named, videlicet [here take in shortly the grounds of debt, &c. produced by the creditors conform to the inventories thereof given in by them; then add,] and after

some procedure had been taken in the action before the lord as ordinary thereto, the said lords of council and session of the date hereof ranked and preferred, and hereby rank and prefer, &c. [here the words of the interlocutor of ranking to be verbatim engrossed]; and ordain all letters and execution necessary to pass and be direct hereon in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE (I.)

FORM of EXTRACT of DECREET of DIVISION.

AT Edinburgh, the day of , in the process of ranking and sale raised and insisted in before the lords of council and session, at the instance of against and the following persons his creditors, videlicet [here recite the names of the creditors cited], concluding that the lands and estates, &c. [here describe the subjects shortly] belonging to the said should be sold under authority of the court, and the rents and prices thereof divided among his creditors conform to their respective rights and diligence affecting the same, after the aforesaid subjects had been sold, and a decreet ranking, the creditors pronounced and extracted: The said lords of council and session of the date hereof approved and hereby approve of the scheme of division of the rents and prices of the said subjects made up and reported by accomptant in Edinburgh; and in terms thereof decerned and ordained, and hereby decern and ordain the purchaser of the said subjects to make payment of the sum due by him, extending of principal and interest at the term of . to the sum of sterling, in manner following, videlicet [here take in that part of the accomptant's scheme which allocates the price, and in case the factor has any balance in his hands the allocation of that balance must also be inserted]; and ordain letters of horning on fifteen days charge and all other execution necessary to pass and be direct hereon in form as effeirs. Extracted by me, one of the principal clerks of session.

SCHEDULE,

DUES OF COURT.

Summonses.

	£	s.	d.
In lieu of the present fee or dues of court, on tabling of summonses, there shall be paid on every summons the sum of - -	1	0	0

Suspensions and Advocations.

To pay the like fee of one pound each - - - -	1	0	0

Original or Summary Applications by Petition, &c.

Original petitions, and petitions and complaints, or any other summary application, by which a cause comes in the first instance before the outer or inner house, shall pay in lieu of the present fee of four shillings and tenpence, one pound each - -	1	0	0

	£	s.	d.
Defences.			
All defences including and comprehending the first paper or step of process, given in for the charger in a suspension, or for the defender, called in an advocation, one pound each - -	1	0	0
Answers to Summary Applications.			
All answers in summary applications, each one pound - -	1	0	0
Condescendences and Answers in Outer or Inner House.			
Condescendences, each ten shillings - - - -	0	10	0
Answers to ditto or counter-condescendences, each ten shillings -	0	10	0
Amendments of Libel or additional Defences or Supplementary Condescendences or Answers.			
Each one pound - - - - - - -	1	0	0
Representations and Answers.			
Representations to pay ten shillings each - - - -	0	10	0
Answers to pay five shillings each - - - - -	0	5	0
Minutes.			
Each minute ordered by the lord ordinary or court to be given in in the inner or outer house to pay five shillings - - -	0	5	0
Every answer, five shillings - - - - -	0	5	0
Memorials or Informations.			
Memorials or informations either in the inner or outer house to pay ten shillings each - - - - - -	0	10	0
Petitions, Reclaiming or Incidental, and Answers.			
All petitions and answers (other than original or summary applications as above) in lieu of the present fee of four shillings and tenpence to pay ten shillings each - - - - -	0	10	0
Prepared States.			
Each party in place of the present fee on hearings of nine shillings and eightpence to pay one pound - - - -	1	0	0
Replies and Duplies.			
Replies and duplies in the inner or outer house to pay each one pound	1	0	0
Notes.			
All notes to the lord president printed or written five shillings each	0	5	0
Depositions of Witnesses or of Parties.			
Depositions of witnesses or of parties, whether in presence of the court or on commission, in lieu of the present fee to the clerks of session to pay each two shillings - - - -	0	2	0

	£	s.	d.
Interests in processes of multiple poindings, adjudications, and rankings and sale; also writings given in to satisfy productions in reductions, each ten shillings - - - - -	0	10	0
All interests where the sum claimed is under ten pounds to continue as at present to pay no fee.			

Abridged Extracts.

The extracts of decreets in foro each one pound one shilling -	1	1	0
Extracts of decreets in absence, acts, abbreviates of adjudication, diligences, and protestations, ten shillings and sixpence each -	0	10	6
The fees of the lord clerk register on summonses, and on acts and decreets, as also those of the keeper of the minute book; and of the macers on acts and decreets, and the fees of the macers on the depositions of witnesses and of parties; and those of the housekeepers on abbreviates of adjudications, and on interests in adjudications, are to remain as at present; and the clerk's assistant who prepares the extracts is likewise to be allowed to charge the ordinary rate of copying per sheet allowed to agents before the Court of Session at the time.			
Certified copy of proceedings for appeal five pounds each - -	5	0	0
Cross appeals to pay the same sum each - - - -	5	0	0
None of the above dues to attach upon processes on the poors roll.			

There is at present payable upon extracts of deeds recorded in the books of council and session, which are subscribed by the principal clerks of session as deputies empowered to that effect by the lord clerk register, the sums following; viz.,

A protest - - - - - -				£0	3	5
Of which there is paid to the lord register - -	£0	1	1¼			
To the clerks - - - - -	0	1	1¼			
To the keepers - - - - -	0	0	4⅜			
And for writing, recording, paper, &c. - -	0	0	9⅜			
				0	3	5
A deed (first sheet) - - - - - -				0	3	8
Of which the lord register draws - - -	£0	1	1¼			
The clerks draw - - - - -	0	1	1¼			
The keepers - - - - -	0	0	4⅜			
Writing, recording, paper, &c. - - -	0	1	0⅜			
				0	3	8
Second sheet pays - - - - -				0	2	4
Of which the clerks draw - - -	£0	0	10			
The keepers - - - - -	0	0	8			
Writing, recording, and paper - - -	0	0	10			
				0	2	4
Third and each other sheet pays - - -				0	2	4
Of which the keepers draw - - -	£0	1	6			
Writing, recording, and paper - - -	0	0	10			
				0	2	4

The above registration fees, in so far as they go to the lord clerk register and keepers of registers, &c. shall continue on their present footing; but in so far as they go to the principal clerks of session, and form a part of the general fund which they divide among themselves, shall be drawn by the collector, and paid into the fee fund, out of which the allowances or salaries to the principal and depute clerks of session, &c. are to be paid in future.

SCHEDULE,

RATE of FEES payable to the Auditor of Court.

	£	s.	d.
When the amount of the account to be taxed is under ten pounds, the auditor's fee to be - - - - - - -	0	7	6
Where the account amounts to ten pounds but is under twenty pounds - - - - - - - - - -	0	10	6
Where the account amounts to twenty pounds but is under fifty pounds - - - - - - - - - -	0	15	0
Where the account amounts to fifty pounds but is under one hundred pounds - - - - - - - -	1	1	0
Where the account amounts to one hundred pounds but is under one hundred and fifty pounds - - - - - -	1	11	6
Where the account amounts to one hundred and fifty pounds but is under two hundred pounds - - - - - -	2	2	0
Where the account amounts to two hundred pounds but is under three hundred pounds - - - - - - -	3	3	0
Where the account amounts to three hundred pounds but is under five hundred pounds - - - - - - -	4	4	0
Where the account amounts to five hundred pounds and upwards -	5	5	0

SCHEDULE,

FEES of ordinary Signet Letters and of Services before the Macers.

Fees of ordinary Signet Letters.

Letters of horning and poinding, caption, arrestment, supplement, and law burrows:			
First sheet, estimated as the legal sheet is by this Act -	0	5	0
Every other sheet so estimated - - - - -	0	2	0
Inhibitions, hornings against superiors, letters of general and special charge, and summonses of adjudication:			
First sheet - - - - - - - - -	0	10	0
Second sheet - - - - - - - - -	0	6	0
All other summonses passing the signet:			
First sheet - - - - - - - - -	0	6	0
Second sheet - - - - - - - - -	0	4	0

	£	s.	d.
Bills of suspension and of advocation, when drawn by a writer to the signet:			
First sheet - - - - - -	0	6	0
Every other sheet - - - - - -	0	4	0
Letters of suspensions and advocations, when expede by the writer to the signet who drew the bill:			
For the formal part, per sheet - - - -	0	4	0
For every other sheet, for writing and expeding the letters -	0	1	0
When the bill is drawn by another person:			
For the formal part, per sheet - - - -	0	5	0
For every other sheet - - - - -	0	2	0

FEES of SERVICE before the Macers to the writer to the Signet, as clerk to the service, without prejudice to other proper charges relative to making up the Title.

	£	s.	d.
For the bill for commission, acts and minutes of court, commissions to proclaim brieves, &c.			
First sheet - - - - - - -	0	6	0
Every other sheet - - - - - -	0	4	0
For claim:			
First sheet - - - - - - -	0	10	0
Every other sheet - - - - - -	0	6	0
For the retour:			
First sheet - - - - - - -	1	0	0
Every other sheet - - - - - -	0	12	0
As clerk to the service:			
When the lands are below £400 valued rent - - -	4	4	0
Amounting to £ 400 and below £700 - - -	5	5	0
——————£ 700 and below £1,000 - - -	7	7	0
——————£1,000 and below £1,500 - - -	8	8	0
——————£1,500 and upwards - - - -	10	10	0

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51 GEORGE III. A.D. 1811.

STATUTES MADE AT THE PARLIAMENT
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-SECOND DAY OF JUNE, A.D. 1807,
IN THE FORTY-SEVENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,

AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE FIFTEENTH DAY OF JANUARY, A.D. 1811,

BEING THE FIFTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER XXXVI.

AN ACT to facilitate the Execution of Justice within The Cinque Ports.[a]

[25th May 1811.]

WHEREAS different parishes, hamlets, districts, or vills form part of the liberties of the cinque ports, some whereof are situate at a considerable distance from the port or town of the liberty whereof they respectively form part: And whereas the mayor or bailiff, and jurats, or by whatsoever name or names they are or have been called, of each of the said cinque ports have from the time whereof the memory of man is not to the contrary held, exercised, and enjoyed jurisdiction in all matters relating to the office and duty of justice of the peace within and throughout the liberties of the respective port or town whereof they are or have been mayor, bailiff, or jurat, or by whatsoever name or names they are or have been called: And whereas such mayors, bailiffs, and jurats, or by whatsoever name or names they are or may have been called, are and have been generally resident in the respective town or port whereof they are or have been mayors, bailiffs, or jurats respectively, and none or an insufficient number of them within or near unto the parishes, hamlets, districts, or vills forming part of the liberties of such ports: And whereas the number of jurats, or by whatever names or name they are or may have been called, is in each of the said towns and ports limited and insufficient to afford a competent number of them to be resident at various places within and throughout the whole of the liberties of their respective ports, to act as justices of the peace therein, by reason whereof great inconveniences and many defects of justice have frequently arisen and are likely hereafter to arise to his Majesty's subjects residing within and frequenting such parishes, hamlets, districts, or vills, unless provision be made for remedy

[a] Rep., 18 & 19 Vict. c. 48. s. 5., from and after the day fixed in such order of her Majesty in Council as in that Act mentioned, or from and after the granting of such charter of incorporation as in that Act mentioned, so far as concerns or affects the parishes or places named in such order, or, in case of a charter of incorporation, the part thereof comprised in such charter.]

thereof: And whereas it would tend to the redress of such inconveniences and defects, and would greatly conduce to the due, prompt, and effectual administration of justice, and execution of divers Acts of Parliament passed and hereafter to be passed, and to the better preservation of the peace within and throughout the said parishes, hamlets, districts, and vills, if proper persons resident within or near unto the said parishes, hamlets, districts, and vills were constituted justices of the peace within and throughout the same, and invested with the same power and authority within the same as doth now or at any time did appertain or belong to any mayors, bailiffs, or jurats, or by whatsoever other name or names they are or may have been called, of any cinque port to exercise within the same: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of July one thousand eight hundred and eleven, it shall and may be lawful for his Majesty and his successors, Kings and Queens of this realm, from time to time, and as often as occasion shall require, to direct a commission or commissions to be prepared and issued under the great seal of the United Kingdom of Great Britain and Ireland, to be directed to certain persons to be named in such commission or commissions, constituting them to be justices of the peace and each of them to be a justice of the peace within and throughout the liberties of the cinque ports, and investing them and each of them with the same power and authority as doth now or at any time did appertain or belong to any mayor, bailiff, or jurat, or by whatsoever other name or names they are or may have been called, to exercise within the liberties of the port or town whereof they were or are mayor, bailiff, or jurat, or by whatsoever other name or names they are or may have been called; and that from and after such commission or commissions shall have so issued all persons and every person named in any such commission or commissions shall be and they and each of them are and is hereby declared to be justices and a justice of the peace within and throughout the liberties of the cinque ports, and invested with the same power and authority within and throughout the same as doth now or at any time did appertain or belong to any mayor, bailiff, or jurat, or by whatsoever other name or names they are or may have been called, to exercise within the liberties of the port or town whereof they are or were mayor, bailiff, or jurat, or by whatsoever other name or names they are or may have been called; any prescription, usage, charter or charters, law or laws to the contrary in anywise notwithstanding.

His Majesty may appoint justices of the peace within the liberties of the cinque ports.

II. PROVIDED always, and be it hereby further enacted, that no person or persons to be named in any such commission or commissions shall be thereby or by this Act authorized or empowered to grant licences or certificates for licences to any victualler resident within any liberty belonging to any cinque port, ancient town, or corporate town, or to act at or in any general or adjourned session to be holden in or for any of the cinque ports, two ancient towns, or the corporate towns herein-after mentioned, or to sit, hear, or determine or vote upon any matter or thing which shall or may be brought before any general or adjourned session to be holden in or for any of the cinque ports, two ancient towns, or the corporate towns herein-after mentioned, or to

Limiting the jurisdiction of such justices.

sit, hear, or determine any matter or thing or do any act as justices or justice of peace within or with regard to any matter or thing which shall happen, arise, or fall out within the towns of Hastings, Sandwich, Dover, New Romney, or Hythe, or any or either of them, or within the ancient towns of Rye or Winchelsea, or either of them, or within the corporate towns of Pevensy, Seaford, Lydd, Folkestone, Feversham, Fordwich, Tenterden, or Deal, or any or either of them, or to claim or challenge or have any power, pre-eminence, or authority within any of the said towns, ancient towns, or corporate towns, or any right, privilege, franchise, or immunity belonging or appertaining to any member of the corporation of the said towns, ancient towns, or corporate towns, any or one of them.

Qualification and oath of justices.

III. PROVIDED always, and be it hereby further enacted, that no person or persons to be named in such commission or commissions shall be thereby or by this Act authorized to act as a justice or justices of the peace unless he and they shall have such qualification respectively as would entitle him and them respectively to act as a justice or justices of the peace for any county in England, and unless he and they shall respectively have taken and subscribed the oaths and delivered in at some general sessions to be holden in and for some one of the cinque ports the certificate respectively required to be taken and subscribed and delivered in by persons qualifying themselves to act for counties in England.

Justices may act as such in their own houses, though not situated within the liberties.

IV. PROVIDED also, and be it hereby enacted, that it shall and may be lawful for all persons named in such commission or commissions who shall have duly qualified themselves as herein-after directed to act as justices of the peace within their own houses or places of residence, although the same may not be situated within the liberties of the cinque ports; and that all acts which shall be so done by such justices within their own houses or places of residence shall be good, valid, and effectual to all intents and purposes as the same would have been if the same had been done by such justices within the liberties of the cinque ports.

Justices of the county of Essex to act in Brightlingsea.

V. AND be it further enacted, that from and after the fifth day of July one thousand eight hundred and eleven all and every the justices and justice of the peace for the county of Essex shall have full power and authority to do all and every act and to hear and determine all matters and things, competent for a justice or justices of the peace to do, hear, or determine, in respect of any matter or thing arising within or relating to the parish of Brightlingsea, in the said county of Essex, and also to grant licences or certificates for licences to all victuallers resident within the said parish of Brightlingsea, as he or they would or might have in case the said parish of Brightlingsea was to all intents and purposes part of the said county of Essex, and was not and had not been annexed to or did not form or had not formed part of the liberty of the town and port of Sandwich aforesaid.

Coroners of Essex to have cognizance within Brightlingsea.

VI. AND be it hereby further enacted, that from and after the fifth day of July one thousand eight hundred and eleven the coroners for the county of Essex shall have cognizance of all matters and things whereof it appertaineth to the office of coroner to have cognizance which shall happen or fall out within the said parish of Brightlingsea, and shall do and execute all matters and things appertaining to the office of coroner to do and execute within the said parish of Brightlingsea, and be paid for the same, in such and the same manner as they ought and should have done and been paid in case the said parish of Bright-

lingsea was to all intents and purposes part of the said county of Essex, and was not or had not been annexed to or did not form or had not formed part of the liberties of the town and port of Sandwich aforesaid.

Maintenance, &c. of offenders committed to or imprisoned in the county gaol of Essex from Brightlingsea, and coroners' charges, shall be defrayed by the overseers of the parish out of the poor rate.

VII. AND be it hereby further enacted, that from and after the fifth day of July one thousand eight hundred and eleven all offenders to be committed or imprisoned for any offence committed within the said parish of Brightlingsea shall be committed to and imprisoned and delivered at such place and places, time and times, as they would have been committed to, imprisoned, in and delivered at in case the said parish of Brightlingsea was part of the said county of Essex, and that such offenders shall be maintained and kept in such place or places, and conveyed to and from trial, at the expence of the said county of Essex; and that the treasurer or treasurers of the said county of Essex shall and he and they is and are hereby respectively authorized to demand and receive of the overseers of the poor of the said parish of Brightlingsea such sum and sums as they shall respectively pay to any coroner of the said county of Essex for any matter or thing done by such coroner within the said parish of Brightlingsea, and such further sum and sums as the justices of the said county of Essex shall at the sessions to be holden by them next after the clause of Easter in each year determine to be double the average amount of the expence per day of feeding and clothing a prisoner in their county gaol for each day any offender shall be so confined or imprisoned in any place of confinement within their county, in lieu and satisfaction of all contribution from the said parish of Brightlingsea to the rate of the said county; and the treasurer or treasurers of the said county of Essex shall have the same remedy and remedies for receiving and enforcing the payment of such sum and sums as he or they now have for recovering or enforcing the payment of the county rate from any parish of the said county; and the said overseers are hereby required to pay the same accordingly out of the rates to be made and collected within the said parish for the relief of the poor thereof: Provided always, that nothing herein contained shall extend or be construed to extend to deprive the mayor and jurats of Sandwich to raise or levy any rate, cess, or impost they are now authorized to raise or levy within the said parish of Brightlingsea or on the inhabitants thereof, other than and except for any expence to be incurred for the rebuilding, sustentation, or repair of any gaol or place of confinement of offenders within the said town and port of Sandwich or the liberties thereof, or in the maintenance, clothing, or keeping of any offenders therein, or the trials of any such offenders.

Saving power of mayor, &c. of Sandwich to raise rates in Brightlingsea for other purposes.

Justices of the county of Kent to act in Beakesbourne and Grange.

VIII. AND be it further enacted, that from and after the fifth day of July one thousand eight hundred and eleven all and every the justices and justice of the peace for the county of Kent shall have full power and authority to do all and every act and to hear and determine all matters and things, competent for a justice or justices of the peace to do, hear, or determine, in respect of any matter or thing arising within or relating to the parish of Beakesbourne and the hamlet of Grange, otherwise Grench, in the said county of Kent, and also to grant licences or certificates for licences to all victuallers resident within the said parish of Beakesbourne or hamlet of Grange, otherwise Grench, as he or they would or might have in case the said parish of Beakesbourne or hamlet of Grange, otherwise Grench, were to all intents and purposes part of the said county of Kent, and were not and had not been annexed to or did not form or had not formed part of the liberty of the town and port of Hastings aforesaid.

Coroners of Kent to have cognizance within Beakesbourne and Grange.

IX. AND be it hereby further enacted, that from and after the fifth day of July one thousand eight hundred and eleven the coroners for the county of Kent shall have cognizance of all matters and things whereof it appertaineth to the office of coroner to have cognizance which shall happen or fall out within the said parish of Beakesbourne or hamlet of Grange, otherwise Grench, and shall do and execute all things appertaining to the office of coroner to do and execute within the said parish of Beakesbourne and hamlet of Grange, otherwise Grench, and be paid for the same, in such and the same manner as they ought and should have done and been paid in case the said parish of Beakesbourne and hamlet of Grange, otherwise Grench, was to all intents and purposes part of the said county of Kent, and was not and had not been annexed to and did not form and had not formed part of the liberties of the town and port of Hastings.

Maintenance, &c. of offenders committed to or imprisoned in the county gaol of Kent from Beakesbourne or Grench, and coroners' charges, shall be defrayed by the overseers out of the poor rates.

X. AND be it hereby enacted, that from and after the fifth day of July one thousand eight hundred and eleven all offenders to be committed or imprisoned for any offence committed within the parish of Beakesbourne or the hamlet of Grange, otherwise Grench, shall be committed or imprisoned in such place or places and delivered at such time or times, place or places, as they would have been committed to, imprisoned in, and delivered at in case the said parish of Beakesbourne and hamlet of Grange, otherwise Grench, were respectively part of the said county of Kent, and that such offenders shall be maintained and kept in such place or places, and conveyed to and from trial, at the expence of the said county of Kent; and that the treasurer of the said county of Kent or the treasurers of the divisions of the said county of Kent shall and he and they is or are hereby respectively authorized to demand and receive of the overseer or overseers of the poor of the said parish of Beakesbourne or hamlet of Grange, otherwise Grench, respectively such sum or sums as they shall respectively pay to any coroner of the said county of Kent for any matter or thing done by such coroner within the said parish of Beakesbourne or the hamlet of Grange, otherwise Grench, and such further sum and sums as the justices of the divisions of which such treasurer shall be the treasurer shall at the sessions to be by them holden next after the clause of Easter in each year determine to be double the average amount of the expence per day of feeding and clothing a prisoner in the gaol of their respective divisions for each day any offender shall be so confined or imprisoned in any place of confinement within such respective divisions, in lieu and satisfaction of all contribution from the said parish of Beakesbourne or hamlet of Grange, otherwise Grench, to the rate of the said county; and the said treasurer or treasurers shall have the same remedy and remedies for recovering and enforcing the payment of such sum and sums as he or they now have respectively for recovering and enforcing the payment of the county rate from any parish of the said county; and the said overseer and overseers is and are hereby required to pay the same accordingly out of the rates to be respectively made and collected within the said parish and hamlet for the relief of the respective poor thereof accordingly: Provided always, that nothing herein contained shall extend or be construed to extend to deprive the mayor and jurats of Hastings of any power to raise or levy any rate, cess, or impost they are now authorized to raise or levy within the said parish of Beaksbourne or the hamlet of Grange, otherwise

Saving power of mayor, &c. of Hastings to raise rates in those places for other purposes.

Grench, or either of them, or on the inhabitants of them or either of them, other than and except for any expence to be incurred for the rebuilding, sustentation, or repair of any gaol or place of confinement of offenders within the said town and port of Hastings or the liberties thereof, or in the maintenance, clothing, and keeping of any offenders therein, or in regard to the trial of any such offenders.

CHAPTER XXXVII.

AN ACT further to prevent the Marriage of Lunatics. [31st May 1811.]

15 Geo. 2. c. 30.

WHEREAS an Act was made in the Parliament of Great Britain in the fifteenth year of the reign of his late Majesty King George the Second to prevent the marriage of lunatics: And whereas it is expedient that the provisions of the said Act should be extended to Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the expiration of ten days after the passing of this Act, in case any person who has been or at any time hereafter shall be found a lunatic by any inquisition taken or to be taken by virtue of a commission under the great seal of Great Britain or the great seal of Ireland respectively, or any lunatic or person under a phrenzy, whose person and estate by virtue of any Act of Parliament now or hereafter shall be committed to the care and custody of particular trustees, shall marry before he or she shall be declared of sane mind by the lord high chancellor of Great Britain or Ireland or the lord keeper or lords commissioners of the great seal of Great Britain or Ireland for the time being or such trustees as aforesaid or the major part of them respectively, as the nature of the case shall require, every such marriage shall be and is hereby declared to be null and void to all intents and purposes whatsoever.

If persons found lunatic marry before declared sane by lord chancellor, &c. such marriages shall be void.

CHAPTER XLI.

AN ACT to repeal so much of an Act passed in the eighteenth year of the reign of King George the Second, intituled "An Act for the more effectually "preventing the stealing of Linen, Fustian, and Cotton Goods and Wares "in Buildings, Fields, Grounds, and other Places used for printing, "whitening, bleaching, or drying the same," as takes away the Benefit of Clergy from Persons stealing Cloth in Places therein mentioned; and for more effectually preventing such Felonies.[a] [31st May 1811.]

18 Geo. 2. c. 27.

WHEREAS by an Act passed in the eighteenth year of the reign of his Majesty King George the Second, intituled "An Act for the more "effectually preventing the stealing of linen, fustian, and cotton goods and

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[a] Rep., as to England, 7 & 8 Geo. 4. c. 27. s. 1.

" wares in buildings, fields, grounds, and other places used for printing, whiten-
" ing, bleaching, or dyeing the same," it is amongst other things enacted that every person who at any time after the first day of June one thousand seven hundred and forty-five shall by day or night feloniously steal any linen, fustian, calico, cotton cloth, or cloth worked, woven, or made of any cotton or linen yarn mixed, or any thread, linen or cotton yarn, linen or cotton tape, incle, filletting, laces, or any other linen, fustian, or cotton goods or wares whatsoever laid, placed, or exposed to be printed, whitened, bowked, bleached, or dried in any whitening or bleaching croft, lands, fields, or grounds, bowking house, drying house, printing house, or other building, ground, or place made use of by any calico printer, whitster, crofter, bowker, or bleacher for printing, whitening, bowking, bleaching, or drying of the same, to the value of ten shillings, or who shall aid or assist or shall wilfully or maliciously hire or procure any person or persons to commit any such offence, or who shall buy or receive any such goods or wares so stolen knowing the same to be stolen as aforesaid, being lawfully convicted thereof, shall be guilty of felony; and that every such offender shall suffer death as in cases of felony without benefit of clergy: And whereas the said Act has not been found effectual for the prevention of the crimes therein mentioned, and it is therefore expedient that so much of the said Act as is herein-before recited should be repealed: And whereas it might tend more effectually to prevent the aforesaid crimes if the same were punishable more severely than simple larceny: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act as is herein-before recited shall from and after the passing of this Act be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1873.]

Recited Act in part repealed.

II. AND be it further enacted, that from and after the passing of this Act every person who shall feloniously steal any linen, fustian, calico, cotton cloth, or cloth worked, woven, or made of any cotton or linen yarn mixed, or any thread, linen or cotton yarn, linen or cotton tape, incle, filletting, laces, or any other linen, fustian, or cotton goods or wares whatsoever, laid, placed, or exposed to be printed, whitened, bowked, bleached, or dried in any whitening or bleaching croft, lands, fields, or grounds, bowking house, drying house, printing house, or other building, ground, or place made use of by any calico printer, whitster, crofter, bowker, or bleacher for printing, whitening, bowking, bleaching, or drying of the same, to the value of ten shillings, or who shall aid or assist, or wilfully or maliciously hire or procure any other person or persons to commit any such offence, or who shall buy or receive any such goods or wares so stolen, knowing the same to be stolen as aforesaid, being lawfully convicted thereof, shall be liable to be transported beyond the seas for life, or for such term not less than seven years as the judge before whom any such person shall be convicted shall adjudge; or shall be liable, in case the said judge shall think fit, to be imprisoned and kept to hard labour in the common gaol, house of correction, or penitentiary house, for any term not exceeding seven years.

Punishing persons stealing linen, &c. from bleaching places, &c.

CHAPTER LXIV.

AN ACT to enable the East India Company to raise a further Sum of Money upon Bond, instead of increasing their Capital Stock; and to alter and amend an Act passed in the Forty-seventh Year of the reign of His present Majesty relative thereto. [10th June 1811.]

37 Geo. 3. c. 31.

WHEREAS by an Act made in the thirty-seventh year of the reign of his present Majesty, intituled "An Act to enable the East India Company "to raise money for further increasing their capital stock, and to extend the "provisions now existing respecting the present stock of the company to the "said increased stock," after reciting that the affairs of the united company of merchants of England required a permanent advance of a considerable sum of money beyond what the said company could raise under the powers then vested in them by law, the said united company are authorized and empowered to raise money by enlarging their then capital stock or fund of six millions of pounds to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not exceed the capital sum of eight millions: . . . . . .

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Bonds issued by the East India Company under their common seal shall be transferable by delivery, &c.

IV. AND whereas bonds issued under the common seal of the said united company for money borrowed by them by virtue of the powers enabling them to borrow money upon bond have usually been entered into and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said united company, or his assigns, and upon his indorsement thereof they have been sold and passed from one person to another by delivery of the possession thereof; and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds and the money secured thereby: Be it therefore further enacted, that all bonds issued or to be issued under the common seal of the said united company by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds shall be assignable and transferable by delivery of the possession thereof; and upon every such assignment or transfer the money secured by the bond so assigned or transferred and due and to become due thereon, and the property in such bond, shall be absolutely vested as well at law as in equity in the person or persons, body or bodies politick and corporate to whom the same shall be so assigned or transferred, and the person or persons, body or bodies politick and corporate to whom any such bond shall be so assigned and transferred and his, her, and their executors, administrators, and successors respectively shall and may maintain his, her, or their action for the principal and interest secured thereby and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators, or successors may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debt, damages, and costs of suit; and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs; and every such plaintiff or

plaintiffs, defendant or defendants respectively recovering may sue out execution for such debt, damages, and costs by capias, fieri facias, or elegit.

V. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded. Publick Act.

CHAPTER LXXV.

AN ACT for making further Provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India; and for enabling the East India Company to restore to the Service of the said Company Military Officers removed therefrom by sentences of Courts Martial; and to authorize the said Company in Cases of unforeseen Emergency to take up Ships by private Contract. [15th June 1811.]

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IV. AND whereas it was in and by the said Act of the thirty-third year of his present Majesty's reign also enacted that after sentence or judgment of any court having competent jurisdiction, whether in Great Britain or in India, against any governor general, governor, president, councillor, or commander in chief, or against any of the said united company's servants, civil or military, for any debts or penalty due or belonging to the said united company, or for any extortion or other misdemeanor, it should not be lawful for the said united company in any case whatever to release or compound such sentence or judgment, or to restore any servant or servants of the said company who should have been removed or dismissed from his or their office or employment for or on account of misbehaviour by the sentence of any of the said courts: And whereas doubts have arisen whether military officers may be restored to the service of the said united company who may have been removed therefrom by sentences of courts martial: Be it therefore enacted and declared, that it was and is lawful for the court of directors of the said united company to restore to the service of the said company any military officer who shall have been or shall be dismissed or suspended therefrom by the sentence of a court martial. 33 Geo. 3. c. 52.

East India Company may restore to their service military officers dismissed or suspended by sentences of courts martial.

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CHAPTER LXXVIII.

AN ACT to make Provision in certain Cases for the Wives and Families of Serjeants, Corporals, Drummers, and Privates serving in the Militia of Ireland. [15th June 1811.]

WHEREAS it is expedient to make some provision in the cases hereinafter mentioned for the families of serjeants, corporals, drummers, and privates serving in the militia of Ireland when called out into actual service, and the laws at present in force are insufficient for that purpose: . . . .

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II. AND be it further enacted, that from and after the first day of July one thousand eight hundred and eleven, whenever the militia of any county, city, Militia-men called out and desirous of ob-

taining relief for their families to make the following

or place in Ireland is or shall be embodied and called out into actual service, and any man serving or enrolled therein as a serjeant, corporal, or drummer shall have a family less able in consequence of his absence to support themselves, and shall be desirous of obtaining for such family any allowance payable to them under the rules, regulations, and restrictions in this Act expressed and contained, such serjeant, corporal, drummer, or private shall make and subscribe before the commanding officer of the regiment, battalion, or corps for the time being to which he shall belong a declaration in writing in the form following; (that is to say,)

declaration;

'I A.B. of the regiment of militia do declare that I am a married 'man [or a widower, as the case may be], and that I have one child, '[or children,] born in wedlock, under the age of ten years, whose 'name [or names] and age [or ages respectively] is [or are] as follows; (that is 'to say), [the names and ages]; and that my wife [or, my said child or children, 'or, my wife and my said child or children, as the case may be] resides [or, 'reside] at [here insert the county, and the barony, and the parish or town-'land, or the city or town, and street or place, as the case may require, in 'which such family shall reside], and that my said child [or children, or wife 'and child or children, as the case may be] by reason of my absence is [or 'are] less able to procure necessary support, and that I was married to my 'said wife [or, if no wife living, to the mother of the said children] at ' on the day of in the year '.'

at the foot of which the commanding officer shall sign the following certificate.

III. AND be it further enacted, that the commanding officer before whom such declaration shall be made shall at the foot of the said declaration give and sign a certificate in writing in the form following;

'I C.D. colonel, [or commanding officer, as the case may be] of the 'militia, do hereby certify, that A.B. a serjeant, [corporal, drummer, or 'private, ballotted man, substitute or volunteer, as the case may be] in the 'said militia was called out into actual service, and did on the 'day of march from and is now absent on service from the said '[county, town, city, or place, as the case may be], and that he hath in my 'presence made a declaration that his family resides at , and 'consists of , and that by his absence they are rendered less able 'to support themselves; and I do certify that the said A.B. never deserted 'from the said militia, and that the said A.B. was enrolled on the 'day of ; and that the said A.B. was married after his enrolment 'with the consent of his commanding officer according to law [or, before his 'enrolment, as the case may be].'

Such declaration and certificate shall be attested by the adjutant of the regiment, &c., who shall register the particulars thereof.

IV. AND be it further enacted, that every such declaration and certificate shall be attested and countersigned by the adjutant of the regiment, battalion, or corps of militia to which the militia-man making such declaration shall belong; and such adjutant shall carefully keep and preserve all such declarations and certificates, and shall also keep a book or register containing the names of all the serjeants, corporals, drummers, and privates in such regiment, battalion, or corps who shall have made such declaration, alphabetically arranged; and shall from such declarations and certificates so delivered to him enter in such book opposite to the name of each man whether he is mar-

ried or a widower, and hath any and what child or children, with the date of such declaration, and the name or names and age or ages of such child or children respectively at the time of making such declaration, and the residence of such wife, child, or children, as stated in such declaration.

Rates of allowances to be paid.

V. AND be it further enacted, that whenever such declaration and certificate shall have been made in the manner and form herein-before contained and set forth, then and in such case the family of every such militia-man who shall have made such declaration (the requisites herein-after mentioned being first duly performed) shall be entitled to and shall receive during his absence on actual service the monthly allowances here following; (that is to say,) after the rate of four British shillings in every calendar month for every child born in wedlock and under the age of ten years, not exceeding the numbers herein-after mentioned respectively; and of eight British shillings in every calendar month for the wife of such man if he shall be a ballotted man, and four British shillings in every calendar month for the wife of any such man who shall not be a ballotted man; the said allowance to the wife in either of the said cases to be paid whether such man shall or shall not have any child or children, provided she does not follow the regiment.

Limitation on number of children for whom allowance may be made.

VI. PROVIDED always, and be it enacted, that the wife of any militia-man so called out on actual service shall not be entitled to the aforesaid allowance for each child for more than two children; and in case there shall be no wife of such militia-man living the allowance to the children of such militia-man shall not extend to more than four children in the whole.

Families of substitutes, hired men, or volunteers not entitled to allowances.

VII. PROVIDED always, and be it further enacted, that no allowance under this Act shall be given or ordered to be given to the family of any man who shall be enrolled at any time after the passing of this Act in the said militia of Ireland as a substitute, hired man, or volunteer, and that all such allowances shall from and after the passing of this Act be confined to the families of such ballotted men, substitutes, and volunteers as are now serving in the militia of Ireland, and to the families of such ballotted men only as shall hereafter be enrolled in the said militia.

Further restrictions as to allowances.

VIII. PROVIDED also, and be it further enacted, that no allowance under this Act shall be given or ordered to be given to the family of any substitute or volunteer who shall be married at the time of the passing of this Act, and who hath married while in actual service and after the passing of an Act made in the forty-third year of his present Majesty's reign, intituled "An Act "to make provision in certain cases for the wives and families of ballotted "men, substitutes, and volunteers serving in the militia of Ireland;" nor to the family of any man now in the militia of Ireland who shall marry at any time after the passing of this Act; nor to the family of any ballotted man who shall hereafter be enrolled in the said militia of Ireland and shall marry after such enrolment; unless every such marriage respectively shall have taken place or shall take place with the consent of the colonel or commanding officer, being a field officer, of the regiment, battalion, or corps to which such man shall belong, and that such consent shall have been certified under the hand of such colonel or other commanding officer, being a field officer; and no certificate as required by this Act shall be granted by any such commanding officer for the purpose of entitling the family of any militia-man to any allowance under this Act in cases where such militia-man shall have so

married while on actual service without such consent first had and obtained as aforesaid.

Justice to enquire into the circumstances of the family of the militia-man;

IX. AND be it further enacted, that it shall and may be lawful for the nearest resident justice of the peace acting in and for the barony, or half barony, city, town, or place in which the said family shall reside on the production of such certificate to enquire into the circumstances of the family of the militia-man to whom such certificate shall have been granted, and whether they reside in the parish or place mentioned in the declaration of such militia-man, on the oath of the wife of such militia-man if there shall be one, and if not, then of such person above the age of eighteen with whom such child or children shall reside, and of such other person or persons as such justice of the peace shall think proper to examine thereupon; and if on enquiry such justice of the peace shall find that such family do so reside, and if such justice shall be of opinion that such family is less able to support itself in consequence of the absence of such militia-man, he shall indorse such his opinion in writing under his hand on the back of the said certificate, with the date of the month and year, and shall subjoin thereto an order in the form following; (that is to say,)

and if satisfied, to endorse on the certificate his opinion and an order for payment.

'I C.D. do hereby certify, that I have made enquiry on the oath or oaths of , and that I am satisfied that the family of A.B. within 'mentioned resides at the place and consists of the persons within stated; and 'that I am a justice of the peace of the county or district of , 'within which the said family so resides, and that there is not to my know-'ledge any other justice of the peace for the said county or district residing 'nearer to the said family: I do thereupon hereby order that the sums 'allowed by law in such case be paid to the said family (that is to say), the 'sum of on the twenty-fourth day of each month, or as soon 'after as the same shall be demanded, not exceeding fourteen days from the 'said day.'

Certificates to be deposited with baronial collectors of cess.

And such certificate with the opinion and order of such justice thereon shall be forthwith deposited by the person or persons seeking benefit thereby, or some of them, or some person or persons on their, his, or her behalf, with the collector of the public cess in such barony or half barony, or the treasurer of such city or town.

Every three months a justice shall make fresh enquiry into the circumstances of the family, and certify his opinion, and renew or vary the order for allowance.

X. AND be it further enacted, that at the expiration of three calendar months next after the date of any such order of such justice application shall be made by such baronial collector or treasurer to the justice who shall have made such order, or to such other justice of the peace acting in and for such barony or half barony, city, or town who shall reside nearest to the then place of residence of such family; and on production of the original certificate aforesaid and of the order so first made thereon it shall be lawful for such justice to make a fresh enquiry on oath in manner aforesaid into the circumstances of such family; and if such circumstances are not altered such justice shall on the back of such original certificate and at the foot of such first order sign his name in affirmance and renewal of the same, with the date of the month and year; or if it shall be made appear to such justice that the circumstances of such family are any way altered such justice shall make a new order for such allowance as aforesaid, specifying the names and ages of each person of such family entitled to the same at the time of such order; and so after the

expiration of every three calendar months a like enquiry and order shall from time to time be made and renewed or altered by such justice of such barony or half barony, city, or town as shall be resident nearest to the place of residence of such family, so long as any such allowance shall be claimed on behalf of such family.

Orders and abstracts thereof shall be sent by baronial collectors to district collectors of excise, who shall countersign the orders and keep the abstracts as vouchers for their payments.

XI. AND be it further enacted, that every such baronial collector or treasurer shall from time to time within three days after any such order or orders shall be made by such justice prepare and sign an abstract of every such order, and shall forthwith deliver or send such abstract duly dated by him to the collector of his Majesty's excise for the district in which the barony, half barony, city, or town shall be situate, together with such certificate and the order thereupon; and such collector of excise having compared such abstract with such order shall, if the same shall agree therewith, countersign such order, and shall forthwith restore the same to such baronial collector or treasurer, or to the person by whom the same was sent, and shall then countersign and file such abstract, and shall keep the same as a voucher for his future payments in manner herein-after mentioned.

Baronial collectors shall on obtaining such orders countersigned pay the allowances.

XII. AND be it further enacted, that every such baronial collector or treasurer, on obtaining any such order countersigned by such collector of excise, shall from time to time pay the several allowances mentioned in such order to such family, until the expiration of three calendar months next after the date of such order, except in the cases herein-after mentioned.

Allowances when payable.

XIII. PROVIDED always, and be it enacted, that the allowances under and by virtue of this Act shall be claimed and paid monthly on the twenty-fourth day of every month, or on such subsequent day as the same shall be duly demanded, being not more than fourteen days after such twenty-fourth day of each month; and that the first allowances under this Act shall become due on the twenty-fourth day of July one thousand eight hundred and eleven; and that no wife of any such militia-man, nor any other person on behalf of such wife or of the family of any such militia-man, shall be entitled to receive at any one time more than one month's allowance to such wife and family under or by virtue of this Act.

Allowances paid by baronial collectors to be repaid quarterly by collectors of excise;

XIV. AND be it further enacted, that every such monthly allowance to be paid under this Act by any baronial collector or treasurer respectively to the family of any militia-man shall be repaid quarterly to such baronial collector and treasurer respectively by the collector of his Majesty's excise for the district in which such barony, half barony, city, or town shall be situate, out of any public money in his hands, upon such baronial collector or treasurer respectively producing and delivering to such collector of excise an account in writing, verified by his affidavit, of all sums so paid by him, setting forth in alphabetical order the names of all militia-men to or for whose families any such payments shall have been made, with the date and amount of each payment and to whom made; and the sums so paid by such collector of excise shall be allowed to him in his accounts, upon such collector of excise producing such accounts so verified, together with the receipts of such baronial collector or treasurer at the foot thereof respectively, and also the several other documents by this Act required to be kept by him.

who shall on producing vouchers be allowed the sums paid.

If necessary, collectors of excise shall

XV. PROVIDED always, and be it further enacted, that if at any time such baronial collector or treasurer shall not have in his hands sufficient money for

make monthly advances to baronial collectors of sums required to pay allowances.

payment of the several sums so directed to be paid by him as aforesaid, such baronial collector or treasurer shall and may and is hereby required from time to time as occasion shall require to certify the same to the collector of excise for the district; and it shall thereupon be lawful for such collector of excise, and he is hereby authorized and required, to remit or pay out of such public monies as may be in his hands to the said baronial collector or treasurer respectively, at least once in every month if required, a sum sufficient to satisfy and pay the monthly amount of the sums which shall then be payable under and by virtue of the several abstracts which shall then be in possession of such collector of excise under the provisions of this Act.

No payments shall be made in advance by collectors of excise until baronial collectors produce accounts of application of sums previously advanced.

XVI. AND be it further enacted, that it shall not be lawful for any such collector of excise to pay or remit to any such baronial collector or treasurer any sum whatsoever in advance for or towards the payment of any allowances under this Act, until such collector of excise shall have received from such baronial collector or treasurer one or more account or accounts in writing, signed and verified by an affidavit before some justice of the peace by such baronial collector or treasurer as aforesaid, of the application of each and every sum and sums, if any, previously advanced by such collector of excise to such baronial collector or treasurer respectively, setting forth in alphabetical order the names of all militia-men to or for whose families any such payments shall have been made by such baronial collector or treasurer, together with the date and amount of each payment, and to whom was made; and no sum advanced by any collector of excise for any of the said purposes shall be allowed him until such account so verified of the application of every former advance made by him to the same person shall be produced and delivered by such collector of excise to the proper officer or officers whose duty it shall be to audit or settle his accounts.

Abstracts of orders to be laid before quarter sessions, who may set aside or alter any order.

XVII. AND be it further enacted, that every such baronial collector shall transmit to the clerk of the peace of the county within which the barony for which he is collector shall be situate, and the treasurer of any city or town shall transmit to the clerk of the peace thereof, three days previous to each quarter sessions, an abstract of all orders which he shall have received as aforesaid since the last preceding quarter sessions, to be by the said clerk of the peace laid before the justices at such sessions; and it shall be lawful for the justices there to set aside or alter any such order of any such justice as aforesaid which upon due enquiry in open court upon oath shall appear to have been fraudulently obtained or not to be warranted by this Act; and in any such case such justices at such sessions shall make an order that such baronial collector or treasurer shall bring in or cause to be brought in the order of such justice, and deliver the same to the clerk of the peace for such county, city, or town; and such collector or treasurer shall, within seven days after the service of such order on him bring in and deliver or cause to be brought in and delivered the said order of the said justice accordingly to such clerk of the peace, who shall then cancel the said order if the same shall be wholly set aside, or if the same shall be altered he shall write under same a copy of the order for altering the same, and shall in that case restore the same to such baronial collector or treasurer, who shall proceed thereupon, and the same shall be countersigned, in the same manner in all respects as hereinbefore directed with respect to any such order as aforesaid.

Allowances to be stopped or lessened by baronial collectors according to circumstances.

XVIII. PROVIDED always, and be it enacted, that if such baronial collector or treasurer respectively shall have reason to believe, or shall receive notice from the collector of excise of the district that he has reason to believe, that by the death of any of the family of any militia-man or by any other circumstance the allowance to such family ought to be stopped or lessened in amount, then and in either of such cases it shall be lawful for such baronial collector or treasurer, and he is hereby required, to stop or lessen such allowance accordingly, until the justice of the peace residing nearest to the residence of such family as aforesaid shall direct him otherwise by writing under his hand and seal.

Allowance to be paid only while militia-man serves, and not when the wife follows the regiment.

XIX. PROVIDED also, and be it further enacted, that no allowance shall be ordered or paid under this Act to the wife or family of any person serving in the militia for any longer period than such person shall continue to serve and remain embodied in actual service, nor in any case while the wife in respect of or by whom any such relief is demanded shall follow the regiment, battalion, or corps in which her husband shall serve.

Accounts of state of families to be given by militia-men to the adjutant every month.

XX. AND be it further enacted, that every serjeant, corporal, drummer, and private to whom such certificate shall have been given shall on or after the first and before the sixth day of every month deliver or cause to be delivered to the adjutant of his regiment, or to the person acting as such, a return or account in writing, subscribed by himself either with his name or mark, and stating whether since the obtaining such certificate or since his last return any, and if any, then how many and which of his family, and of what names and ages respectively, have or hath died or have or hath received or become entitled to any and what maintenance, provision, or property, and to what amount, and whether his wife, if he be married, follows the regiment; and every change that shall have taken place in any of the said respects in the family of any such militia-man shall be noted by such adjutant in his register aforesaid, according to such return, or according to the truth, if the same shall have come to his knowledge by any other means.

Adjutant to make returns monthly of the state of families to the commissioners of excise, to be forwarded to the collectors.

XXI. AND be it further enacted, that the adjutant of every regiment, battalion, or corps of the said militia shall, within four days after the sixth day of every month during the time the militia to which he shall belong shall remain embodied or in actual service, draw out a return for each and every collector of excise within whose district the family of any militia-man in his regiment entitled to any of the said allowances shall reside, and shall in every such return set forth an alphabetical list of the names of all the serjeants, corporals, drummers, and privates in his regiment whose families are so entitled and reside within such district; and also a distinct statement of such promotions and vacancies, and of such deaths and desertions, and other casualties (if any) as may have occurred among such militia-men of the said regiment; and also of such of their wives as may have joined the regiment since the last return, and of all such other alterations as may have taken place in the family of any of the said militia-men in manner herein-before mentioned; and if no such promotion, vacancy, death, or desertion, casualty or alteration, shall have happened, then such adjutant shall by such return certify to that effect; and every such adjutant shall within the said four days enclose all the said returns which he shall have so drawn out to the secretary of the commis-

sioners of excise in Dublin, who shall cause the same to be forwarded to the collectors of excise respectively as speedily as may be.

Collectors shall note changes, and send copies of returns to baronial collectors, who shall enter changes at the foot of the orders made by the justices.

XXII. AND be it enacted, that every such collector of excise shall immediately on the receipt of any such return transmit to the said secretary a written acknowledgement of the receipt thereof, specifying the date thereof, and shall forthwith enter at the foot of each abstract so filed by him as aforesaid all new matters respectively which shall be noted in such return as aforesaid, and shall thereupon file the said return, and send or deliver to each baronial collector or treasurer in his district a copy of so much of the said return as relates to his barony or half barony, city, or town respectively; and such baronial collector or treasurer shall enter the new matters therein contained at the foot of the orders made by justices of peace so kept by him respectively.

No payment to be made by baronial collectors until such returns are received from collectors of excise.

No payment to be made after three months till fresh order received.

XXIII. AND be it further enacted, that no payment shall be made by any such baronial collector or treasurer to the family of any militia-man until he shall have received from the collector of excise such copy extracted from such return as aforesaid for the preceding month; and from and after the end of every three calendar months from the date of any order of a justice, or of the justices at sessions as aforesaid, no payment shall be made by any such baronial collector or treasurer to the family of any militia-man until a new order of a justice of the peace as aforesaid shall have been received by such baronial collector or treasurer in manner aforesaid.

Payments to be made according to orders as altered by returns or by orders of justices.

XXIV. AND be it further enacted, that when any such entry shall be duly made at the foot of such order or abstract, or any alteration shall be made in any such order, then and from thenceforth such monthly sum and no other shall be paid and payable to the family therein mentioned as would have been payable to the said family by the provisions of this Act if an order for payment had been made and given by a justice according to the circumstances of such family at the time of making such entry or alteration.

Recompence to baronial collectors for their trouble, to be raised by presentment.

[XXV.*] AND be it further enacted, that in order to recompence the said baronial collectors and treasurers of cities or towns for the trouble and expence which they may severally incur by virtue of this Act it shall be lawful for the grand jury of each county, city, or town at each assizes, and for the grand juries of the county of Dublin and county of the city of Dublin at each presenting term, to present any sums they shall think reasonable to be raised off the counties at large, counties of cities, or counties of towns, to be applied and paid as such grand juries shall direct to the said respective collectors and treasurers, over and above all sums or allowances to which they or any of them are or may be entitled by virtue of any other law or laws then in force, as a reward for their trouble and expence in carrying the provisions of this Act into execution: Provided always, that such grand jury shall be satisfied by the affidavits of such collectors and treasurers respectively that such collectors and treasurers have duly paid the several allowances to the families of militia-men in manner directed by this Act: And provided also, that the sum so to be presented shall not exceed five per centum on the sums paid by such collector or treasurer since the last preceding assizes or presenting term.

[* Rep., except as to the county of the city of Dublin, Stat. Law Rev. Act, 1873.]

XXVI. AND be it further enacted, that if any collector of a baronial cess, treasurer, clerk of the peace, officer of the peace, collector of excise respectively, shall wilfully neglect or refuse to carry the provisions of this Act or any of them into execution, and shall be thereof convicted on presentment or indictment at the assizes, or, if in the county or city of Dublin, in the Court of King's Bench, every such person so offending shall be fined at the discretion of the court any sum not exceeding fifty pounds.

Penalty on baronial collectors, &c. for neglect of duty.

XXVII. AND be it further enacted, that if any collector of the baronial cess, or treasurer of a city or town, shall on demand duly made refuse or neglect to pay and satisfy any sum or sums of money then payable by him to the family of any militia-man by virtue of this Act, every such collector or treasurer so refusing or neglecting to make such payment shall for every such neglect forfeit the sum of five pounds, to be recovered upon conviction of the said offender before any justice of the peace for the county, city, or place where the offence shall be committed; which said justice is hereby authorized and required upon information exhibited or complaint made by the party aggrieved in that behalf to summon the party accused, and to examine into the matter of fact, and upon proof thereof upon the oath of one witness, not being the party entitled to receive such sum or sums of money, to give judgement for such penalty, to be levied by distress and sale of the offender's goods and chattels, in case the same shall not be forthwith paid, by warrant under the hand and seal of such justice, causing the overplus (if any) after deducting the charges of such distress and sale to be rendered to the party, and the penalty so adjudged shall be paid to the use of the party so aggrieved as aforesaid.

Penalty on baronial collector neglecting to pay the sums due to the family of any militia-man.

XXVIII. AND be it enacted, that every such conviction shall be in the form here following, or in some other form of words of the same import; (that is to say,)

Form of conviction.

'BE it remembered, that A.B. collector of cess in the barony of in the county of [or treasurer of the county of the city, or town of , as the case may be], is convicted before me C.D. one of the justices of the peace for the said county, of not having paid the allowance on the day of last past to the family of , a serjeant [corporal, drummer, private, as the case may be] actually serving in the regiment of militia, although the same was duly demanded of him on the day of last past. Witness my hand and seal this day of in the year .'

And every such conviction in the said form, or any other form of the same import, shall be good and sufficient in law.

XXIX. AND be it enacted, that all and every affidavits and affidavit by this Act required to be made, taken, or produced shall and may be made before any justice of the peace within his proper jurisdiction; and that every person who shall swear falsely in any affidavit required or authorized by this Act to be taken shall, on being convicted thereof, be adjudged guilty of wilful and corrupt perjury, and be punished accordingly.

Affidavits to be made before a justice.

False swearing to be punished as perjury.

XXX. AND be it enacted, that a half barony shall be deemed and taken to be a barony to all the purposes of this Act.

Half barony to be deemed a whole for the purposes of this Act.

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CHAPTER C.

AN ACT to amend an Act passed in the Thirty-eighth Year of His present Majesty's Reign, intituled "An Act to regulate the Trial of Causes, Indictments, and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom.

[26th June 1811.]

Recital of 38 Geo. 3. c. 52.

WHEREAS by an Act of Parliament made and passed in the thirty-eighth year of the reign of his present Majesty, intituled "An Act to regulate the trial of causes, indictments, and other proceedings which arise within the counties of certain cities and towns corporate within this kingdom," it is amongst other things enacted, that it should and might be lawful for any prosecutor or prosecutors to prefer his, her, or their bill or bills of indictment for any offence or offences committed or charged to be committed within the county of any city or town corporate to the jury of the county next adjoining to the county of such city or town corporate, sworn and charged to enquire for the King for the body of such adjoining county, at any sessions of oyer and terminer or general gaol delivery; and that every such bill of indictment found to be a true bill by such jury should be valid and effectual in law as if the same had been found to be a true bill by any jury sworn and charged to enquire for the King for the body of the county of such city or town corporate: And whereas it was further provided by the said recited Act, that if it should appear in the manner therein mentioned to any court of oyer and terminer or general gaol delivery for the county of any city or town corporate that any indictment found by any grand jury of the county of such city or town corporate, or any inquisition taken before the coroner or coroners of the county of such city or town corporate, or other franchise, was fit and proper to be tried by a jury of any next adjoining county, that the same proceedings and trial should be had and the same judgment should be given as would and might be had and given in cases of indictments or inquisitions for the like offences committed within such next adjoining counties; but no power was given in cases of conviction in pursuance of any of the provisions in the said recited Act of ordering the execution of the sentence in the county of the city or town corporate within which the offence had been committed and was charged to have been committed: And whereas it may be fit and expedient that in such cases the punishment should be inflicted and the sentences put in execution in the respective counties of the cities or towns corporate where such offences had been so committed: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the court before which any conviction shall have taken place in pursuance of the provisions of the said recited Act to order every such convict to be punished according to law, either within the county where such conviction shall have taken place, or within the county of the city or town corporate wherein such offence shall have been committed; and in cases where the court shall order such convict to be punished within the county of such city or town corporate it shall and may be lawful for the court, after

In cases of conviction under recited Act, the sentence may be executed either in the county or in the county of the city or town corporate.

passing sentence upon every such convict or convicts, to order him, her, or them to be delivered into the custody of the sheriff or sheriffs, gaoler or other proper officer or officers of the county of such city or town corporate, and the sheriff or sheriffs, gaoler or other proper officer or officers of the county of such city or town corporate is and are hereby commanded to receive into his or their custody every such convict or convicts, and to execute the sentence so passed upon him, her, and them in such adjoining county, as if he, she, or they had been tried and had received such sentence in the county of such city or town corporate.

II. AND whereas it is provided by the said in part recited Act that in all cases of indictments and other proceedings which may be tried before his Majesty's justices of oyer and terminer or general gaol delivery for any county in pursuance of the provisions contained in the said Act it should and might be lawful for such justices to order the expences of the prosecution and of the witnesses, and of the several rewards payable in pursuance of the statutes in such cases made and provided on the conviction of offenders, to be paid by and to the same persons and in the same manner as the same would have been payable if such indictment had been tried in the court of oyer and terminer or general gaol delivery of the county of such city or town corporate: And whereas it is just and expedient that a similar provision should be made for the payment of all other expences which may be incurred by any such adjoining county in relation to any person who may be tried or removed for trial to such adjoining county for any offence committed or charged to have been committed in the county of any such city or town corporate: Be it therefore enacted, that it shall and may be lawful for the justices of oyer and terminer or general gaol delivery, at any session thereof holden for such county, and they are hereby required, to order all expences whatsoever incurred by such county in relation to any person who shall be tried in such county or removed thither for trial for any offence committed or charged to have been committed within the county of any such city or town corporate, as well in maintaining and supporting such person and carrying the sentence into execution as in any other respect, to be repaid to the treasurer of such county or other person acting as treasurer of such county, or who shall have actually paid such expences, by the same person or persons and in the same manner as the same would have been payable if such offender or supposed offender had remained in the county of such city or town corporate, and had been tried in the court of oyer and terminer or general gaol delivery of the county of such city or town corporate, and as if the sentence with respect to such offender had been carried into execution within the county of such city or town corporate.

All expenses incurred by a county in relation to persons tried for offences in a county of a city or town corporate to be repaid by the county of the city or town corporate.

CHAPTER CIII.

AN ACT to authorize the allowing Officers to retire on Half Pay or other Allowances, under certain Restrictions. [26th June 1811.]

WHEREAS it is expedient and necessary that better provision should be made for the retirement of officers disabled by wounds, or rendered incapable of service by age, ill health, or infirmity, and also for enabling officers removed from the permanent staff of the quarter master general to

receive half-pay: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, to allow any officer in his Majesty's service who would be entitled upon the reduction of his regiment, battalion, or corps, or of his commission in his Majesty's service to half pay, and who shall become unfit for service, either from wounds, or ill health, or infirmity, or age, to be certified to the Secretary at War in manner directed by this Act, and who shall thereupon be allowed to retire under the provisions of this Act, to have and receive the half pay of the commission which he shall have held at the time of his being so allowed to retire, although the regiment in which he shall have served or the commission which he shall have held shall not be reduced; and also to allow any officer removed from the permanent staff of the quarter master general to have and receive the half pay of the rank in the army which he held at the time of being so removed as aforesaid.

His Majesty may allow officers unfit for service to retire on half pay;

and may allow half pay to officers removed from permanent staff of quarter master general.

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III. AND be it further enacted, that it shall be lawful for the Secretary at War for the time being, and the lord high treasurer or commissioners of his Majesty's treasury for the time being, or any three or more of them, from time to time to order and direct the form and nature of the certificates which shall be given by medical or other persons in relation to officers applying to retire on half pay . . . . . , provided that every such certificate shall state whether the officer by whom the same shall be transmitted is rendered wholly incapable of serving for life or only for a temporary period, together with such other particulars as shall be required in that behalf; and every such certificate shall be registered at the War Office, and an account of the officers so allowed to retire in each year shall be laid before Parliament.

Secretary at War and Treasury to direct the form of certificates necessary in relation to officers retiring;

an account of the officers allowed to retire to be laid before Parliament.

CHAPTER CXIV.

AN ACT to permit the Services of the Regiment of Miners of Cornwall and Devon to be extended to Ireland. [26th June 1811.]

WHEREAS it would conduce to the better defence and security of the United Kingdom if the services of the regiment of miners of the counties of Cornwall and Devon were extended to all parts of the United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all persons who may be commissioned, raised, and enrolled in and for the regiment of miners at any time after the passing of this Act, whether by ballot or otherwise, under any Act now in force or which may hereafter be in force for raising men for the said regiment, shall be liable to serve in all parts of the United Kingdom of Great Britain and Ireland; any thing contained in any Act relating to the said regiment of miners respectively to the contrary notwithstanding. [Rep., Stat. Law Rev. Act, 1873.]

Regiment of miners of Cornwall and Devon liable to serve in all parts of the United Kingdom.

II. AND be it further enacted, that after the passing of this Act so much of the Act passed in the forty-second year of his present Majesty, intituled "An Act for "repealing an Act made in the thirty-eighth year of the reign of his present Ma- "jesty, intituled 'An Act for raising a body of miners in the counties of Cornwall "' and Devon for the defence of the kingdom during the present war,' and for the more

Oaths to be taken.

"effectually raising and regulating a body of miners for the defence of Great Britain," as prescribes the form of oaths to be taken by persons ballotted and by substitutes and volunteers raised under that Act shall be repealed, and instead thereof [Rep., Stat. Law Rev. Act, 1873.] every person who shall be raised by ballot for the said regiment under any Acts in force at the passing of this Act or under any future Act, and appearing and serving in person, shall take the following oath:

Oath of ballotted men.

'I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George; and that I will faithfully serve in the regiment of miners of Cornwall and Devon in any part of the United Kingdom of Great Britain and Ireland for the defence of the same during the time of five years for which I am enrolled, unless I shall be sooner discharged.'

And every person raised under any of the said Acts, either as a substitute, hired man, or volunteer, or otherwise than by ballot, shall take the following oath:

Oath of substitutes or volunteers.

'I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George; and that I will faithfully serve in the regiment of miners of Cornwall and Devon in any part of the United Kingdom of Great Britain and Ireland for the defence of the same during the time of five years, or for such further time as the said regiment shall remain embodied, if within the space of five years his Majesty shall order and direct the same to be drawn out and embodied, unless I shall be sooner discharged.'

Oath of serjeants, corporals, and drummers.

III. AND be it further enacted, that every person who shall be appointed to serve as a serjeant, corporal, or drummer in the regiment of miners to be established under this Act for extended service shall take the following oath:

'I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George; and that I will faithfully serve in the regiment of miners of Cornwall and Devon in any part of the United Kingdom for the defence of the same, until I shall be legally discharged.'

Provisions of 42 Geo. 3. c. 72. and of all Acts relating to the regiment of miners to extend to this Act.

IV. AND be it further enacted, that the regiment of miners to be raised under this Act shall be raised under the provisions contained in the said recited Act of the forty-second year aforesaid, and in every other Act or Acts relative to the said regiment of miners, so far as the same or any of them were in force immediately before the passing of this Act and are not hereby altered; and all powers and provisions, clauses, matters, and things contained in the said several last-mentioned Acts shall, as far as the same were in force immediately before the passing of this Act, and are applicable and are not hereby altered or repealed, be in force for the purposes aforesaid, and shall respectively relate to the regiment of miners to be so raised for service in the United Kingdom, as if the same were expressly re-enacted and contained herein.

* * * * * * * * *

Regiment of miners to be raised for extended service shall be entitled to same rank, &c. as under former Acts.

VI. AND be it further enacted, that the regiment of miners to be raised in manner aforesaid for extended service shall be entitled to the same rank, privileges, and exemptions, and subject to the same rules and regulations, as the said regiment of miners now are respectively entitled or subject to under any Act or Acts now in force relating to the said regiment.

Officers disabled in service entitled

VII. AND be it further enacted, that all commissioned officers of the said regiment of miners whose service shall become extended to all parts of the

to half pay; non-commissioned officers, &c. to Chelsea hospital, and widows of officers killed to pensions.

United Kingdom by virtue of this Act, who shall be disabled in actual service, shall be entitled to half pay according to their ranks; and all non-commissioned officers, drummers, and private men of such force so disabled shall be entitled to the benefit of Chelsea hospital; and the widows of all such commissioned officers killed in service shall be entitled to receive such pensions for life as are given to widows of officers in his Majesty's regular forces.

* * * * * * * * *

Service in Ireland to be signified by the secretary of state.

IX. AND be it further enacted, that no regiment, battalion, or corps of such miners shall be called upon to serve in Ireland until his Majesty's pleasure shall have been signified by the secretary of state.

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CHAPTER CXV.

AN ACT for amending the Act Forty-third George Third, to promote the building, repairing, or otherwise providing the Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church Yards and Glebes.[a] [26th June 1811.]

48 Geo. 3. c. 108.

WHEREAS by an Act passed in the forty-third year of his present Majesty's reign, intituled "An Act to promote the building, repairing, or "otherwise providing of churches and chapels, and of houses for the residence "of ministers, and the providing of church yards and glebes," it was enacted, that every person and persons having in his or their own right any estate or interest in possession, reversion, or contingency of or in any lands or tenements, or of any property of or in any goods or chattels, should have full power, license, and authority by deed inrolled in such manner and within such time as is directed in England by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, and in Ireland by the statute made in the tenth year of the reign of King Charles the First, for inrolment of bargains and sales, or by his, her, or their last will or testament in writing, duly executed according to law, such deed or such will or testament being duly executed three calendar months at least before the death of such grantor or testator, including the days of the execution and death, to give and grant to and vest in any person or persons, or body politic or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in such lands or tenements not exceeding five acres, or goods and chattels, or any part or parts thereof, not exceeding in value five hundred pounds, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the liturgy and rites of the said united church are or shall be used or observed, or any mansion house for the residence of any minister of the said united church officiating or to officiate in any such church or chapel, or of any outbuildings, offices, church yard, or glebe for the same respectively, and to be for those purposes applied according to the will of the said benefactor in and by such deed enrolled or by such will or testament executed as aforesaid expressed (the consent and approbation of the ordinary being first obtained), and in default of such direction, limitation, or appoint-

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[a] Rep., so far as relates to the kingdom of Ireland, 14 & 15 Vict. c. 71.

ment, in such manner as shall be directed and appointed by the patron and ordinary, with the consent and approbation of the parson, vicar, or other incumbent; and such person and persons, bodies politic and corporate, and their heirs and successors respectively should have full capacity and ability to purchase, receive, take, hold, and enjoy for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same as from all other persons as shall be willing to sell or alien to such person or persons, bodies politic or corporate, any lands or tenements, goods or chattels without any license or writ of ad quod damnum: And whereas doubts have arisen whether the powers and provisions of the said Act will enable his Majesty to make any such grant for the purposes before mentioned: And whereas it is expedient that the powers of the said Act should be extended for that purpose: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the King's most excellent Majesty, his heirs and successors, shall have full power, license, and authority by deed or writing under the great seal, or under the seal of his duchy and county palatine of Lancaster, to give and grant and vest in any person or persons, bodies politic or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in any lands or tenements within the survey of the court of Exchequer or of the duchy of Lancaster, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the liturgy and rites of the said united church are or shall be used or observed, or any mansion house for the residence of any minister of the said united church officiating or to officiate in any such church or chapel, or of any outbuildings, offices, church yard or glebe for the same respectively, and to be for those purposes applied in and by such deed as aforesaid expressed, the consent and approbation of the ordinary being first obtained; and such person and persons, bodies politic and corporate, and their heirs and successors respectively shall have full capacity and ability to receive, take, hold, and enjoy for the purposes aforesaid any lands or tenements notwithstanding the statute of Mortmain, or the Act of the first year of her late Majesty Queen Anne, intituled "An Act "for the better support of her Majesty's household, and the honour and dignity "of the crown," or any other Act or Acts, or other impediment or disability whatsoever: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable his Majesty, his heirs and successors, to grant more than five acres in any one grant for any of the purposes aforesaid, or to alter or amend any of the provisions of the said Act of the forty-third year of his present Majesty, which are not herein-before specially named and mentioned.

His Majesty may vest lands in any person for building or repairing any church or chapel, or any house for the residence of a minister;

notwithstanding the statute of Mortmain, or the Act 1 Ann. c. 1.

No grant to exceed five acres.

II. AND be it further enacted by the authority aforesaid, that it shall be lawful for any person or persons, bodies politic or corporate, seized of or entitled to the entire and absolute fee simple of any manor, by deed under the hand and seal or hands and seals of any such person or persons, and under the seal or seals of any such body or bodies politic or corporate, and inrolled in the Court of Chancery, to grant to the rector, vicar, or other minister of any parish church and his successors, or to the curate or minister of any chapel and his successors, any parcel or parcels of land not exceeding in the whole the

Any person having the fee simple of any manor may grant five acres of the waste for ecclesiastical purposes.

quantity of five statute acres, parcel of the waste of such manor, and lying within the parish where such church or chapel shall be or shall be intended to be erected, or within any extra parochial district wherein any such chapel shall be or shall be intended to be erected, for the purpose of erecting thereon or enlarging any such church or chapel, or for a church yard or burying ground, or enlarging a church yard or burying ground for such parish or extra parochial place, or for a glebe for the rector, vicar, curate, or other minister of any such church or chapel, to erect a mansion house or other buildings thereon, or make other conveniences for the residence of such rector, vicar, curate, or other minister, freed and absolutely discharged of and from all rights of common thereon, and any statute prohibiting any alienation in mortmain, or other statute law or custom to the contrary notwithstanding: Provided always, that no grant whatsoever shall be made of any land whatsoever for any of the purposes authorised by this Act, unless the church or chapel for the benefit whereof or of the minister whereof such grant shall be made, shall be a parochial church or chapel for the service of the united church of England and Ireland, duly authorized by law, or a church or chapel duly consecrated for the service of such church, or erected or to be erected for such purpose by and with the license and consent of the ordinary of the diocese wherein the same shall be.

Grants under this Act to be only for the benefit of parochial or other duly consecrated churches or chapels of the united church of England and Ireland.

CHAPTER CXVIII.

AN ACT to permit the Interchange of the British and Irish Militias respectively. [1st July 1811.]

WHEREAS it would materially conduce to the better defence and security of the United Kingdom if the services of the present regular militia of Great Britain and the militia force of Ireland were extended to all parts of the United Kingdom: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all persons who may be commissioned, raised, and enrolled in and for the regular militia of Great Britain, or in and for the militia of Ireland, at any time after the passing of this Act, whether by ballot or otherwise, under any Act now in force or which may hereafter be in force for raising men for the said militia, shall be liable to serve in all parts of the United Kingdom of Great Britain and Ireland; any thing contained in any Act relating to the said militias respectively to the contrary notwithstanding. [Rep., Stat. Law Rev. Act, 1873.]

Men raised for the militia shall be liable to serve in any part of the United Kingdom.

II. AND be it further enacted, that after the passing of this Act so much of the Act passed in the forty-second year of his present Majesty, intituled "An Act for "amending the laws relating to the militia in England, and for augmenting the militia," so much of another Act passed in the forty-second year, intituled "An Act to raise and "establish a militia force in Scotland," and so much of an Act passed in the forty-ninth year of his present Majesty, intituled "An Act for amending and reducing into one Act "of Parliament the several laws for raising and training the militia of Ireland," respectively, as prescribe the form of oaths to be taken by persons ballotted, and by substitutes and volunteers raised under those respective Acts, shall be repealed; and instead thereof [Rep., Stat. Law Rev. Act, 1873.] every person who shall be raised by ballot for the militia in Great Britain or Ireland under any Acts in force at the passing of this Act, or under any future Act, and appearing and serving in person, shall take the following oath:

Oaths to be taken.

'I A.B. do sincerely promise and swear that I will be faithful and bear 'true allegiance to his Majesty King George, and that I will faithfully

Oath of ballotted men.

'serve in the militia in any part of the United Kingdom of Great Britain 'and Ireland for the defence of the same during the time of five years for 'which I am enrolled, unless I shall be sooner discharged.'

[And every person raised under any of the said Acts, either as a substitute, hired man, or volunteer, or otherwise than by ballot, shall take the following oath:

'I A.B. do sincerely promise and swear that I will be faithful and bear 'true allegiance to his Majesty King George, and that I will faithfully 'serve in the militia in any part of the United Kingdom of Great Britain and 'Ireland for the defence of the same during the time of five years, or for 'such further time as the militia shall remain embodied, if within the space 'of five years his Majesty shall order and direct the militia to be drawn out 'and embodied, unless I shall be sooner discharged.'[a]]

Oath of substitutes or volunteers.

III. AND be it further enacted, that every person who shall be appointed to serve as a serjeant, corporal, or drummer in the militia to be established under this Act for extended service, instead of the oath directed to be taken by any of the said recited Acts by serjeants, corporals, and drummers in the militia shall take the following oath:

Oath of serjeants, corporals, and drummers.

'I A.B. do sincerely promise and swear that I will be faithful and bear 'true allegiance to his Majesty King George, and that I will faithfully 'serve in the militia in any part of the United Kingdom for the defence of 'the same until I shall be legally discharged.'

IV. AND be it further enacted, that the regular militia to be raised under this Act in England and Scotland, and the militia of Ireland, shall respectively be raised under the provisions contained in the said recited Acts of the forty-second year aforesaid, and in the said Act of the forty-ninth year aforesaid, and in every other Act or Acts relative to the militias of England, Scotland, or Ireland, so far as the same or any of them were in force immediately before the passing of this Act, and are not hereby altered; and all powers and provisions, clauses, matters, and things contained in the said several last-mentioned Acts shall, as far as the same were in force immediately before the passing of this Act, and are applicable and are not hereby altered or repealed, be in force for the purposes aforesaid, and shall respectively relate to the militia to be so raised in England and Scotland and Ireland for service in the United Kingdom, as if the same were expressly re-enacted and contained herein: Provided always, that nothing in this Act shall be construed to extend the provisions of any Acts which relate only to the militia of England or Scotland respectively to the militia to be raised in Ireland, nor any of the provisions of any Act which relates to the militia of Ireland only to the militia to be raised in England or Scotland.

Militia under this Act to be raised as under the former Acts for raising the English, Scotch, and Irish militia.

English or Scotch Acts not to extend to Ireland, nor vice versâ.

[V.[b]] AND be it further enacted, that all powers, provisions, clauses, matters, and things contained in an Act passed in the forty-third year of his present Majesty, intituled "An Act for consolidating and amending the several laws "for providing relief for the families of militia-men of England when called out "into actual service;" and in another Act passed in the forty-ninth year of his present Majesty, intituled "An Act for providing relief for the wives and

Provisions in 43 Geo. 3. c. 47, 49 Geo. 3. c. 90.

[a] The part of section 2 enclosed in brackets is rep., so far as it relates to the militia raised in Great Britain, Stat. Law Rev. Act, 1873.]

[b] Section 5 is rep., so far as it relates to 49 Geo. 3. c. 86., and to the militia raised in England, Stat. Law Rev. Act, 1873.]

and 49 Geo. 3. c. 86., or in any other Acts relative to granting relief to families of militia men, extended to families of ballotted men raised under this Act.

" families of the militia-men in Scotland when called into actual service ;" and in another Act passed in the forty-ninth year of his present Majesty, intituled " An Act to make provision in certain cases for the wives and families of bal- " lotted men, substitutes, and volunteers serving in the militia of Ireland ;" or in any other Acts relative to granting relief to the wives and families of persons serving in the militias of England, Scotland, or Ireland respectively shall, as far as the same relate to allowances to the wives and families of ballotted men, be in force and respectively relate to the wives and families of persons to be hereafter ballotted to serve and thereupon personally serving in the militias of England, Scotland, and Ireland under the provisions of this Act or any future Act: Provided always, that nothing in this Act shall be construed to extend any of the provisions of any of the said last-mentioned Acts which relate exclusively to the wives and families of persons serving in the militia of one of the said parts of the United Kingdom to the wives and families of persons to be hereafter raised in either of the said other parts of the United Kingdom for service in the United Kingdom.

Acts relating to men serving for one part of the kingdom not to extend to those serving for other parts.

Force raised to be called the militia of the United Kingdom, and to be entitled to the rank, &c. granted by any Acts.

VI. AND be it further enacted, that the force to be raised in England, Scotland, and Ireland in manner aforesaid for extended service shall be called " the militia of the United Kingdom ;" and the parts of it to be raised in Great Britain or Ireland shall be respectively entitled to the same rank, privileges, and exemptions, civil, military, and religious, and subject to the same rules and regulations, as the said militias now are respectively entitled or subject to under any Act or Acts now in force relating to the militia of Great Britain or Ireland, or any other Act or Acts of Parliament whatsoever respectively.

Officers disabled in service entitled to half-pay; non-commissioned officers, &c. to Chelsea hospital, and widows of officers killed to pensions.

VII. AND be it further enacted, that all commissioned officers of the said militias whose service shall become extended to all parts of the United Kingdom by virtue of this Act, who shall be disabled in actual service, shall be entitled to half-pay according to their ranks; and all non-commissioned officers, drummers, and private men of such force so disabled shall be entitled to the benefit of Chelsea hospital; and the widows of all such commissioned officers killed in service shall be entitled to receive such pensions for life as are given to widows of officers in his Majesty's regular forces.

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Militia of Great Britain or Ireland not to serve in Ireland or Great Britain until his Majesty's pleasure shall have been signified.

X. AND be it further enacted, that no regiment, battalion, or corps of the militia of Great Britain shall be called upon to serve in Ireland, nor any regiment, battalion, or corps of Irish militia shall be called upon to serve in Great Britain, until his Majesty's pleasure shall have been signified by the secretary of state, or by the lord lieutenant or other chief governor or governors of Ireland as the case may be.

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APPENDIX.

CONTENTS.

		Page
24 Geo. 2. c. 44.	Protection of Justices of the Peace, &c.	667
9 Geo. 3. c. 29.	Destruction of Mills, &c.	669
13 Geo. 3. c. 78.	Regulation of Highways	670
27 Geo. 3. c. 1.	Suppression of unlawful Lotteries	709

24 GEORGE II. A.D. 1750–1.

[CHAPTER XLIV.]

AN ACT for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others acting in obedience to their Warrants.[a]

WHEREAS justices of the peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings: And whereas it is necessary that they should be (as far as is consistent with justice and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of the said office and trust: And whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several laws and statutes committed to the care and execution of the said justices of the peace: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and fifty-one no writ shall be sued out against nor any copy of any process at the suit of a subject shall be served on any justice of the peace for anything by him done in the execution of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue or caused the same to be sued out or served, at least one calendar month before the suing out or serving the same; in which notice shall be clearly and explicitly contained the cause of action which such party hath or claimeth to have against such justice of the peace; on the back of which notice shall be indorsed the name of such attorney or agent, together with the place of his abode, who shall be intitled to have the fee of twenty shillings for the preparing and serving such notice, and no more.

No writ to be sued out against any justice for what he shall do in the execution of his office until notice be given him;

[II.] AND be it further enacted, that it shall and may be lawful to and for such justice of the peace at any time within one calendar month after such notice given as aforesaid to tender amends to the party complaining, or to his or her agent or attorney, and in case the same is not accepted to plead such tender in bar to any action to be brought against him grounded on such writ or process, together with the plea of not

and he may tender amends;

and plead the same in bar the action, &c.

[a] The provisions of this Act are extended by 42 Geo. 3. c. 91. s. 166. to lieutenants and deputy lieutenants in Scotland acting in the execution of that Act, in like manner and as fully and effectually as the same extend to justices of the peace acting in the execution of their office. So much of the Act as relates to actions against justices of the peace is repealed by sect. 17. of 11 & 12 Vict. c. 44., which Act extends only to England (see sect. 15.).

24 GEO. 2. c. 44.

guilty, and any other plea, with leave of the court; and if upon issue joined thereon the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit, or shall discontinue his or her action, or in case judgement shall be given for such defendant or defendants upon demurrer, such justice shall be entitled to the like costs as he would have been intitled unto in case he had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, which he or she shall recover together with his or her costs of suit.

Plaintiff not to recover without proof made that such notice was given.

[III.] AND be it further enacted, that no such plaintiff shall recover any verdict against such justice in any case where the action shall be grounded on any act of the defendant as justice of the peace, unless it is proved upon the trial of such action that such notice was given as aforesaid; but in default thereof such justice shall recover a verdict and costs as aforesaid.

Justice may by leave pay into court before issue joined such sum as he shall think fit.

[IV.] AND be it further enacted by the authority aforesaid, that in case such justice shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him by leave of the court where such action shall depend at any time before issue joined to pay into court such sum of money as he shall see fit; whereupon such proceedings, orders, and judgements shall be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

Evidence not to be given of any cause of action but such as is contained in the notice.

[V.] AND be it further enacted, that no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid of any cause of action, except such as is contained in the notice hereby directed to be given.

Action not to be brought against any constable acting in obedience to justices warrant till demade made of the sight and copy of the warrant, and refusal thereof, &c.

[VI.] AND be it further enacted by the authority aforesaid, that from and after the said twenty-fourth day of June one thousand seven hundred and fifty-one no action shall be brought against any constable, headborough, or other officer, or against any person or persons acting by his order and in his aid, for anything done in obedience to any warrant under the hand or seal of any justice of the peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his, her, or their attorney or agent, in writing signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case after such demand and compliance therewith, by shewing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable, headborough, or other officer, or against such person or persons acting in his aid, for any such cause as aforesaid, without making the justice or justices who signed or sealed the said warrant defendant or defendants, that on producing and proving such warrant at the trial of such action the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such justice or justices; and if such action be brought jointly against such justice or justices and also against such constable, headborough, or other officer, or person or persons acting in his or their aid as aforesaid, then, on proof of such warrant, the jury shall find for such constable, headborough, or other officer, and for such person and persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the justice or justices, that in such case the plaintiff or plaintiffs shall recover his, her, or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

Where the judge shall certify that the injury for which action is brought was wilfully committed, plaintiff to recover double costs.

[VII.] PROVIDED always, that where the plaintiff in any such action against any justice of the peace shall obtain a verdict, in case the judge before whom the cause shall be tried shall in open court certify on the back of the record that the injury for which such action was brought was wilfully and maliciously committed, the plaintiff shall be intitled to have and receive double costs of suit.[a]

Limitation of actions.

[VIII.] PROVIDED also, and be it enacted by the authority aforesaid, that no action shall be brought against any justice of the peace for anything done in the execution of his office, or against any constable, headborough, or other officer or person acting as aforesaid, unless commenced within six calendar months after the act committed.

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[a] As to double costs, see 5 & 6 Vict. c. 97. s. 2.

9 GEORGE III. A.D. 1768–9.

CHAPTER XXIX.

AN ACT for the more effectual Punishment of such Persons as shall demolish or pull down, burn, or otherwise destroy or spoil any Mill or Mills; and for preventing the destroying or damaging of Engines for draining Collieries and Mines; or Bridges, Waggon Ways, or other Things used in conveying Coals, Lead, Tin, or other Minerals from Mines; or Fences for inclosing Lands in pursuance of Acts of Parliament.[a]

Recital of 1 Geo. 1. st. 2. c. 5.

WHEREAS by an Act passed in the first year of the reign of his late Majesty King George the First, intituled "An Act for preventing tumults and riotous "assemblies, and for the more speedy and effectual punishing the rioters," it is among other things enacted, that if any persons unlawfully, riotously, and tumultuously assembled together to the disturbance of the publick peace shall unlawfully and with force demolish or pull down, or begin to demolish or pull down, any church or chapel, or any building for religious worship, certified and registered according to the statute made in the first year of the reign of the late King William and Queen Mary, intituled "An Act for exempting their Majesties protestant subjects dissenting from the Church "of England from the penalties of certain laws," or any dwelling-house, barn, stable, or other out-house, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in cases of felony without benefit of clergy: And whereas some doubts have arisen whether the said Act extends to the pulling down and demolishing of mills: Therefore, for remedying the mischiefs which may ensue therefrom, and for the more effectual punishment of such offenders, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons unlawfully, riotously, and tumultuously assembled together to the disturbance of the publick peace shall at any time after the first day of July one thousand seven hundred and sixty-nine unlawfully and with force demolish or pull down, or begin to demolish or pull down, any wind saw mill or other wind mill, or any water mill or other mill, which shall have been or shall be erected, or any of the works thereto respectively belonging, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony without benefit of clergy.

The riotously assembling and demolishing, or beginning to demolish, &c. any mill or any of the works thereof, made felony without benefit of clergy;

[II.] AND whereas no effectual provision hath heretofore been made for preventing the burning of mills: Be it therefore enacted by the authority aforesaid, that if any person or persons shall from and after the first day of July one thousand seven hundred and sixty-nine wilfully or maliciously burn or set fire to any wind saw mill or other wind mill, or any water mill or other mill, such person so offending, being lawfully convicted thereof, shall be adjudged guilty of felony without benefit of clergy, and shall suffer death as in case of felony without benefit of clergy.

as also the wilfully burning or setting fire to any mill.

[III.] AND for more effectually preventing the destroying of engines for draining collieries, coal mines, and other mines, and bridges and waggon ways used in conveying coals, lead, and other minerals from thence, and also fences made or to be made for inclosing lands by virtue of Acts of Parliament, be it further enacted by the authority aforesaid, that if any person or persons shall at any time after the first day of July one thousand seven hundred and sixty-nine wilfully or maliciously set fire to, burn, demolish, pull down, or otherwise destroy or damage any fire engine or other engine

The wilfully destroying or damaging engines for draining coal or other mines,

[a] This Act is repealed as to England by 7 & 8 Geo. 4. c. 27. s. 1. It was omitted from Vol. II. of the Revised Edition on the ground that, as the editor was advised, it did not extend to Scotland, and was therefore in effect wholly repealed; but the editor has since been advised that 41 Geo. 3. (U.K.) c. 24., which was also repealed as to England by 7 & 8 Geo. 4. c. 27. s. 1., is in force in Scotland; that Act, therefore, has been printed in its place in the Volume (ante, page 4), and it has been thought desirable to print the earlier Act here in connexion with it.

9 GEO. 3. c. 29.

erected or to be erected for draining water from collieries or coal mines, or for drawing coals out of the same, or for draining water from any mine of lead, tin, copper, or other mineral; or any bridge, waggon way, or trunk erected or to be erected for conveying coals from any colliery or coal mine, or staith for depositing the same, or any bridge or waggon way erected or to be erected for conveying lead, tin, copper, or other mineral from any such mine; or any fence or fences that are or shall be erected, set up, provided, or made for dividing or inclosing any common waste or other lands or grounds in pursuance of any Act or Acts of Parliament; every such person, being lawfully convicted of any or either of the said several offences, or of causing or procuring the same to be done, shall be adjudged guilty of felony, and shall be subject to the like pains and penalties as in cases of felony; and the court by or before whom such person shall be tried shall have power and authority to transport such felon for the term of seven years, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

&c., or bridges, waggon ways, trunks, or staiths used in connection with such mines, &c., or fences set up for inclosing lands by virtue of Acts of Parliament, made felony punishable by transportation for 7 years.

[IV.] PROVIDED always, that no person or persons shall be prosecuted by virtue of this Act for any offence or offences committed contrary to the same, unless such prosecution be commenced within eighteen months after the offence committed.

Limitation of prosecutions.

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13 GEORGE III. A.D. 1772–3.

CHAPTER LXXVIII.

AN ACT to explain, amend, and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes. [a]

WHEREAS the laws now in being for the amendment and preservation of the highways of that part of Great Britain called England require some explanation and amendment: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from henceforth, upon the twenty-second day of September in every year, unless that day shall be Sunday, and then on the day following, the constables, headboroughs, tithingmen, churchwardens, surveyor of the highways, and householders, being assessed to any parochial or public rate of every parish, township, or place, shall assemble together at the church or chapel of such parish, township, or place, or if there shall be no church or chapel, then at the usual place of public meetings for such parish, township, or place, at the hour of eleven in the forenoon; and the major part of them so assembled shall make a list of the names of at least ten persons living within such respective parishes, townships, or places, who each of them have an estate in lands, tenements, or hereditaments lying within such respective parish, township, or place, in their own right or in the right of their wives, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds, or are occupiers or tenants of houses, lands, tenements, or hereditaments of the yearly value of thirty pounds; and if there shall not be ten persons having such qualifications as aforesaid, then they shall insert in such list the names of so many of such persons as are so qualified as above required, together with the names of so many of the most sufficient and able inhabitants of such parish, township, or place not so qualified as shall make up the number ten, if so many can be found, if not, so many as shall be there resident, to serve the office of surveyor of the highways; and the constable, headborough, or tithingman of such parish, township, or place shall within three days after such meeting transmit a duplicate of such list to one of the justices of the peace within the limit of the county, riding, division, hundred,

On Sept. 22, yearly, the constables, &c. of every parish shall assemble at the usual place of public meeting, and make a list of persons qualified to act as surveyors of highways.

A duplicate of such list shall be transmitted to one of the justices, and

[a] The powers and provisions of this Act (which is rep., 5 & 6 Will. 4. c. 50. s. 1.) are by sects. 1. and 2. of 43 Geo. 3. c. 59., extended and applied, as far as the same are applicable to county bridges and the roads at the ends thereof, and to the works by that Act authorized to be done and performed.

city, corporation, precinct, or liberty where such parish, township, or place shall lie, living in or near the same, and shall also return and deliver the original list made and agreed upon at such meeting to the justices of the peace at their special sessions to be held for the highways within that limit in the week next after the Michaelmas general quarter sessions of the peace in every year, and shall also within three days after making the said list give personal notices to or cause notices in writing to be left at the places of abode of the several persons contained in such list, informing them of their being so named, to the intent that they may severally appear before the justices at the said special sessions to accept such office if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed; and the said justices are hereby authorized and required to hold such special sessions at such convenient place or places within their respective limits as they in their discretion shall judge proper, and to give notice of the time and place where they intend to hold the same to the constables, headboroughs, or tithingmen of every such parish, township, or place at least ten days before the holding of the said session; and the said justices then and there from the said lists, according to their discretion and the largeness of the parish, township, or place respectively, by warrant under their hands and seals, shall appoint one, two, or more of such persons as aforesaid, if he or they shall in the opinion of such justices be qualified for the office of surveyor, if not, one, two, or more of the other substantial inhabitants or occupiers of lands, tenements, woods, tithes, or hereditaments within such parish, township, or place, living within three miles thereof and within the same county, fit and proper to serve the office of surveyor of the highways for such parish, township, or place, if any such can be found; which appointment shall by the constables, headboroughs, or tithingmen aforesaid be notified to every person so appointed by the said justices, within three days after such appointment, by serving him with the said warrant or by leaving the same or a true copy thereof at his house or usual place of abode; and every person so appointed, if he accepts the said office, shall be surveyor of the highways for the said parish, township, or place for the year ensuing, and shall take upon him and duly execute the office aforesaid; and the said justices shall then and there give such of the said surveyors as shall personally appear before them a charge for the better performance of their duty, according to the directions of this Act; and if any of the said persons so appointed whose names were contained in such list, and who were served with the said notice, shall refuse or neglect to appear at the said special sessions and accept the said office if appointed thereto in manner aforesaid, or shall not within six days after being served with such warrant of appointment signify his acceptance thereof either in person or by writing to one of the said justices, he shall forfeit the sum of five pounds; and in case any person so appointed by the said justices, whose name was not contained in such lists, shall refuse or neglect to accept the said office, or shall not within six days after being served with such appointment shew to one of the justices signing such appointment sufficient cause why he should not serve such office, he shall forfeit the sum of fifty shillings; provided that no person who hath been appointed and served the office of surveyor for one year shall be liable to be appointed surveyor for the same parish, township, or place within three years from the time of such first appointment and service, unless he shall consent thereto; but if no such list shall be made and returned, or if the said justices shall make such appointment as aforesaid, and the person or persons so appointed shall refuse to serve the said office, the said justices, or any two of them, shall and may and are hereby required at the said special sessions or at some subsequent special sessions to be held within one month after to nominate and appoint some other person or persons to be surveyor of such parish, township, or place, whom they shall judge proper to execute that office, and shall and may fix such salary to be paid to such surveyor to be appointed as herein last before mentioned out of the said forfeitures and all other forfeitures, fines, penalties, assessments, and compositions to be paid, levied, and raised under the authority of this Act within such parish, township, or place respectively as such justices shall think fit, not exceeding one eighth part of what shall have been raised by an assessment of sixpence in the pound for the use of the highways within such parish, township, or place, where any such assessment shall have been raised, and observing the same restriction as near as they can from the best information they shall be able to get of the probable amount of such an assessment, where none hath been already made; and the said justices shall and may if they think fit require the constables, headboroughs, tithingmen, and surveyor of every such parish, township, and place, or any of them, to return to them at such time and place as they shall appoint an account in writing of the sum which such assessment of sixpence in

the original to the special sessions.

Notices to the persons contained in the list.

Justices to hold special sessions after 10 days notice, and appoint from each list persons to be surveyors of highways whom they shall think qualified for the office, or to appoint other inhabitants or occupiers, &c.

Surveyors shall hold office for one year.

Persons appointed from the list refusing to serve shall forfeit 5*l.*, and persons not in the list appointed and refusing shall forfeit 50*s.*

No person who hath served one year to be again appointed within three years without his consent.

If no list be made, or the persons appointed refuse to serve, others may be appointed, and a salary fixed, to be paid out of fines, &c.

Justices may require the constables, &c. to return an account of the

13 GEO. 3. c. 78.

sum which an assessment of 6*d.* per pound within the parish will raise.

the pound hath raised, or will in his or their opinion raise, within such parish, township, or place; and if the constables, headboroughs, tithingmen, churchwardens, surveyors of the highway, and such householders as aforesaid of any parish, township, or place shall neglect or refuse to make such list as aforesaid, or if the constable, headborough, or tithingman of any parish, township, or place shall not return the said list of names when made, and such duplicate thereof as aforesaid, and give such notice or notices, and serve such warrant or warrants as in this Act is directed, or if the said constable, headborough, tithingman, and surveyor, or any of them shall neglect to return such account of the amount of such assessment as aforesaid, when so required as aforesaid, every constable, headborough, tithingman, churchwarden, or surveyor so neglecting or refusing in any of the said cases shall for every such default respectively forfeit the sum of forty shillings.

Penalty on constables, &c. not returning lists or giving notices, or returning such account.

If a surveyor with a salary is appointed, an assistant surveyor shall be appointed.

[II.] AND be it further enacted, that in all cases where the said justices, upon neglect or refusal of the person so nominated surveyor as aforesaid to accept the said office, shall appoint any other person for such surveyor with a salary as aforesaid, the said justices shall and are hereby required to appoint one substantial inhabitant of such parish, township, or place for assistant to such surveyor in the several matters and for the several purposes hereafter mentioned, until the next annual appointment of surveyors according to the directions of this Act; and if the person so appointed assistant shall upon notice of such appointment refuse to accept that office he shall forfeit the sum of fifty shillings; and in that case it shall and may be lawful for such justices to appoint any other substantial inhabitant of such parish, township, or place for assistant to such surveyor in manner and for the time aforesaid; and if such second appointed assistant shall decline or refuse to accept the said office he shall in like manner forfeit the sum of fifty shillings; and the said justices shall and may appoint any other person inhabiting in such parish, township, or place, assistant to such surveyor, who shall be entitled to the said forfeitures herein last before mentioned, and also to some further allowance by way of salary (to be paid as the surveyor's salary is hereby directed to be paid), if the said justices shall think any such salary necessary, and shall order the same, which they are hereby authorized to do; provided that no person so appointed assistant for one year shall be liable to be appointed assistant for the same parish, township, or place within three years next following such first appointment without his consent.

Surveyor appointed with a salary to give bond to account for the money which shall come into his hands.

[III.] AND be it further enacted, that the surveyor of every parish, township, and place who shall not reside therein, but shall be appointed with such salary as aforesaid, shall, if required by the churchwarden, overseers of the poor, or any principal inhabitant of the parish, township, or place for which he shall be so appointed surveyor, at the time of his appointment or within fourteen days after, give a bond upon paper without stamp thereupon to some proper person within such parish, township, or place, to be nominated by the said justices, with sufficient surety, to account for the money which shall come to his hands as surveyor according to the directions of this Act, which bond shall be good and effectual in law.

Duty of the assistant surveyor.

[IV.] AND be it further enacted, that the assistant so to be nominated and appointed shall and is hereby required, to the best of his skill and judgment, to assist the said surveyor whenever requested by him in calling in and attending the performance of the statute duty, in collecting the compositions, fines, penalties, and forfeitures, in making and collecting the assessment, in making out and serving the notices authorized by this Act, and in such other matters and things as shall be reasonably required of him by the surveyor in the execution of his office as surveyor pursuant to this Act; and the said assistant shall justly and truly account with and pay to the said surveyor, or to his order from time to time, according to the directions of this Act, all the money which shall come to his hands as assistant by the means as aforesaid, and in default thereof he shall forfeit double the value of the money by him so received and not so paid and accounted for; and if the said assistant shall wilfully neglect or make default in the performance of any of the duty required from him by this Act, he shall forfeit for every such offence any sum not exceeding five pounds nor less than forty shillings, at the discretion of the justice or justices of the limit within which such assistant shall be appointed; and the said surveyor shall and is hereby required to send orders in writing upon the said assistant for the payment of all sums due to any person or persons for work or materials by virtue of this Act which amount to forty shillings or upwards; and the said surveyor shall not be responsible for any sum or sums of money which shall be received by the said assistant and shall not be actually paid to such surveyor or to his order as aforesaid.

Forfeitures for neglect of his duty.

Surveyor to send orders upon the assistant for payment of all sums amounting to 40*s.* or upwards.

If two thirds of those assembled in any parish, &c. shall agree in the choice of a person to serve as surveyor, justices may appoint him, with a salary; and if any surveyor shall die, or become incapable, justices may appoint another.

[V.] PROVIDED always, and be it further enacted, that if two parts out of three of those so to be assembled in any such parish, township, or place for the nomination of surveyors as aforesaid shall agree in the choice of any particular person of skill and experience to serve the said office of surveyor for such parish, township, or place, and in the settling of a certain salary for his trouble therein, and shall return the name of such person, together with the list herein-before directed, to the justices of the peace at their said sessions to be held in the week next after the Michaelmas quarter sessions, that then and in every such case it shall and may be lawful for the said justices, if they shall think proper, to appoint such person to be surveyor for such parish, township, or place, and allow him the salary mentioned in such agreement, which shall be raised and paid in the same manner as the salary herein-before mentioned is directed to be raised and paid; and in case any surveyor to be appointed under the authority of this Act shall die or become incapable of executing that office before such next special sessions for appointing surveyors, the said justices or any two of them shall and may at some special sessions nominate and appoint such person or persons as they shall think proper to execute the said office until such next special sessions for appointing surveyors as aforesaid, and if such deceased surveyor had a salary they may allow the same salary to his successor in proportion to the time he shall serve the said office; and if the said justices of the peace at their said special sessions, or at any time afterwards, pursuant to the powers of this Act, shall appoint more than one person for surveyor of any parish, township, or place, all and every person or persons so appointed shall be comprehended under the word 'surveyor' in every part of this Act.

No tree, &c. to grow or stand within 15 feet of the centre of the highway.

Penalty, 10*s*.

[VI.] AND be it further enacted, that no tree, bush, or shrub shall be permitted to stand or grow in any highways within the distance of fifteen feet from the centre thereof (except for ornament or shelter to the house, building, or courtyard of the owner thereof), or hereafter to be planted within the distance aforesaid, but the same shall respectively be cut down, grubbed up, and carried away by the owner or occupier of the land or soil where the same doth or shall stand or grow within ten days after notice to him, her, or them, or his, her, or their steward or agent, given by the said surveyors or any of them, on pain of forfeiting for every neglect the sum of ten shillings.

Hedges and trees adjoining to highways to be cut and pruned.

[VII.] AND be it further enacted, that the possessors of the land next adjoining to every highway shall cut, prune, and plash their hedges, and also cut down or prune and lop the trees growing in or near such hedges or other fences (except those trees planted for ornament or shelter as aforesaid), in such manner that the highways shall not be prejudiced by the shade thereof respectively, and that the sun and wind may not be excluded from such highway to the damage thereof; and that if such possessor shall not, within ten days after notice given by the surveyor for that purpose, cut, prune, and plash such hedges, and cut down or prune and lop such trees in manner aforesaid, it shall and may be lawful for the surveyor, and he is hereby required, to make complaint thereof to some justice of the peace of the limit where such highway shall be, who shall summon the possessor of the said lands to appear before the justices at some special sessions for that limit to answer to the said complaint; and if it shall appear to the justices at such special sessions that such possessor had not complied with the requisites of this Act, it shall and may be lawful for the said justices, upon hearing the surveyor and the possessors of such land, or his agent (or in default of his appearance upon having due proof of the service of such summons), and considering the circumstances of the case, to order such hedges to be cut, plashed, and pruned, and such trees to be cut down or pruned, in such manner as may best answer the purposes aforesaid; and if the possessor of such lands shall not obey such order within ten days after it shall have been made and he shall have had due notice thereof, he shall forfeit the sum of two shillings for every twenty-four feet in length of such hedge which shall be so neglected to be cut and plashed, and the sum of two shillings for every tree which shall be so neglected to be cut down or pruned and lopped; and the surveyor, in case of such default made by the possessor, shall and is hereby required to cut, prune, and plash such hedges, and to cut down or prune and lop such trees, in the manner directed by such order; and such possessor shall be charged with and pay, over and above the said penalties, the charges and expences of doing the same, or in default thereof such charges and expences shall be levied, together with the said forfeitures, upon his or her goods and chattels, by warrant from a justice of peace, in such manner as is authorized for forfeitures incurred by virtue of this Act.

Occupiers of lands shall make sufficient

[VIII.] AND be it further enacted, that ditches, drains, or watercourses, of a sufficient depth and breadth for the keeping all highways dry and conveying the water

13 GEO. 3. c. 78.

from the same, shall be made, scoured, cleansed, and kept open, and sufficient trunks, tunnels, plats, or bridges shall be made and laid where any cartways, horseways, or footways lead out of the said highways into the lands or grounds adjoining thereto, by the occupier or occupiers of such lands or grounds; and every person or persons who shall occupy any lands or grounds adjoining to or lying near such highway through which the water hath used to pass from the said highway shall and is hereby required from time to time, as often as occasion shall be, to open, cleanse, and scour the ditches, watercourses, or drains, for such water to pass without obstruction; and that every person making default in any of the matters or things aforesaid, after ten days notice to him, her, or them given of the same by the said surveyor, shall for every such offence forfeit the sum of ten shillings.

ditches, drains, &c., and lay sufficient trunks or bridges, where cartways, &c. lead out of highways into such lands. Penalty for neglect.

[IX.] AND be it further enacted, that if any person or persons shall lay in any highway any stone, timber, straw, dung, or other matter, or in making, scouring, or cleansing the ditches or watercourses shall permit the soil or earth dug out of such ditches, drains, or watercourses to remain in such highway in such manner as to obstruct or prejudice the same for the space of five days after notice thereof given by the surveyor of the highways, every person or persons offending in any of the said cases shall for every such offence forfeit and pay the sum of ten shillings.

Penalty for laying stone, timber, or soil out of ditches, &c. in any highway.

[X.] AND be it further enacted, that if any stone or timber, or any hay, straw, stubble, or other matter for the making of manure, or on any other pretence whatsoever, not tolerated by this Act, shall be laid in any highway within the distance of fifteen feet from the centre thereof, and shall not within five days after notice given by the surveyor or some person aggrieved thereby be removed, it shall and may be lawful for the owner or possessor of the lands adjacent, or any other person or persons whomsoever, by order from some justice of peace, to clear the said highways by removing the said stone, timber, hay, straw, dung, or other matter, and to have, take, and dispose of the same to his and their own use.

If any stone, timber, &c. laid within 15 feet of the centre of the highway is not removed in 5 days after notice given, owner of adjacent lands, &c. may dispose of the same.

[XI.] AND for preventing obstructions in the said highways, be it enacted, that if any person shall wilfully set, place, or leave any waggon, cart, or other carriage, or any plough or instrument of husbandry in any of the said highways (except only with respect to such waggon, cart, or carriage during such reasonable time as the same shall be loading or unloading, and standing as near the side of such highway as conveniently may be), so as to interrupt or hinder the free passage of any other carriage, or of his Majesty's subjects, every person so offending shall forfeit the sum of ten shillings for every such offence.

Penalty for leaving waggons, &c. in the highways.

[XII.] AND be it further enacted, that the surveyors of the highways to be appointed by virtue of this Act shall, at all such times and seasons as they shall judge proper, view all the common highways, trunks, tunnels, plats, hedges, ditches, banks, bridges, causeways, and pavements within the parish, township, or place for which they shall be appointed surveyors; and in case they shall observe any nuisances, incroachments, obstructions, or annoyances made, committed, or permitted in, upon, or to the prejudice of them or any of them contrary to the directions of this Act, they shall from time to time, as soon as conveniently may be, give or cause to be given to any person or persons doing, committing, or permitting the same, personal notice, or notice in writing to be left at his, her, or their usual place or places of abode, specifying the particulars wherein such nuisances, defaults, obstructions, or annoyances consist; and if such nuisances, obstructions, or annoyances shall not be removed, and the ditches, drains, gutters, and watercourses aforesaid effectually made, scoured, cleansed, and opened, and such trunks, tunnels, plats, and bridges made and laid, and such hedges properly cut and pruned, within twenty days after such notice of the same respectively given as aforesaid, then the said surveyors shall be and they are hereby fully authorized and empowered forthwith to remove such nuisances, obstructions, or annoyances, and open, cleanse, and scour such ditches, gutters, and watercourses, and make or amend such trunks, tunnels, plats, or bridges, and cut and prune such hedges for the benefit and improvement of the said highways, to the best of their skill and judgment, and according to the true intent and meaning of this Act; and the person or persons so neglecting to make or open and cleanse such ditches, gutters, or watercourses, or to cut or prune such hedges, during the time aforesaid after such notice given, shall forfeit for every foot in length which shall be so neglected the sum of one penny; and the said surveyors shall be reimbursed what charges and expences they shall be at in removing such nuisances, obstructions, or annoyances, and making or opening, cleansing and scouring such ditches, gutters, and watercourses, and in making or amending such trunks, tunnels, plats, or bridges, and in cutting and pruning such hedges respectively,

Surveyor's duty with respect to nuisances, obstructions, &c.

If the offender does not remove nuisances, &c. after notice, the surveyor shall do it, and the offender pay the charges thereof.

by the person or persons who ought to have done the same, over and above the said forfeiture; and in case such person or persons shall upon demand refuse or neglect to pay the said surveyor his charges and expences occasioned thereby respectively, and also the said forfeiture of one penny per foot, then the said surveyor shall apply to any justice of the peace, and upon making oath before him of notice being given to the defaulter in manner aforesaid, and of the said work being done by such surveyor, and of the expences attending the same, the said surveyor shall be repaid by such person or persons all such his said charges as shall be allowed to be reasonable by the said justice, or in default of payment thereof on demand the same shall be levied in such manner as the penalties and forfeitures hereby inflicted are directed to be levied.

Times of cutting hedges and of felling trees, &c. growing in the highways.

[XIII.] PROVIDED nevertheless, that no person or persons shall be compelled, nor any surveyor permitted, by virtue of this Act, to cut or prune any hedge at any other time than between the last day of September and the last day of March; and that nothing herein contained shall extend or be construed to oblige any person or persons to fell any timber trees growing in hedges at any time whatsoever, except where the highways shall be ordered to be enlarged as herein-after mentioned, or to cut down or grub up any oak trees growing within such highway, or in such hedges, except in the months of April, May, or June, or any ash, elm, or other trees, in any other months than in the months of December, January, February, or March.

Where the old ditches, gutters, watercourses, &c. are insufficient, new ones may be made;

[XIV.] AND be it further enacted, that where the ditches, gutters, or watercourses which have been usually made, or which are herein-before directed to be made, cleansed, and kept open, shall not be sufficient to carry off the water which shall lie upon and annoy the highways, that then and in every such case it shall and may be lawful for the said surveyors, by the order of any one or more of the said justices, to make new ditches and drains in and through the said lands and grounds adjoining or lying near to such highways, or in and through any other lands or grounds, if it shall be necessary, for the more easy and effectually carrying off such water from the said highways, and also to keep such ditches, gutters, or watercourses scoured, cleansed, and opened; and the said surveyors and their workmen are hereby authorized to go upon the said lands for the purposes aforesaid; provided that the said surveyors make proper trunks, tunnels, plats, bridges, or arches over such ditches, gutters, or watercourses where the same shall be necessary for the convenient use and enjoyment of the lands or grounds through which the same shall be made, and from time to time keep the same in repair, and do also make satisfaction to the owner or occupier of such lands which are not waste or common for the damages which he, she, or they shall sustain thereby, to be settled and paid in such manner as the damages for getting materials in several or inclosed lands or grounds are hereafter directed to be settled and paid.

provided the surveyors make plats, trunks, &c. where necessary, and make satisfaction to the owner, &c. of the lands for the damages he shall sustain thereby.

Width of cartways to market towns, horseways, and driftways.

[XV.] AND be it further enacted, that the said surveyors of the highways shall and they are hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public cartway leading to any market town twenty feet wide at the least, and every public horseway or driftway eight feet wide at the least, if the ground between the fences inclosing the same will admit thereof.

Justices may order narrow roads to be widened or diverted and turned.

[XVI.] PROVIDED always, and be it further enacted, that where it shall appear upon the view of any two or more of the said justices of the peace that the ground or soil of any highway between the fences thereof is not of sufficient breadth, and may be conveniently widened and enlarged, or that the same cannot be conveniently enlarged and made commodious for travellers without diverting and turning the same, such justices shall and they are hereby empowered within their respective jurisdictions to order such highways respectively to be widened and enlarged or diverted and turned in such manner as they shall think fit, so that the said highways when enlarged and diverted shall not exceed thirty feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, park, paddock, court, or yard; and for the satisfaction of the person or persons, bodies politic or corporate, who are seised or possessed of or interested in their own right or in trust for any other person or persons in the said ground that shall be laid into the said highways respectively so to be enlarged, or through which such highway so to be diverted and turned shall go, the said surveyor under the direction and with the approbation of the said justices shall and is hereby empowered to make an agreement with him, her, or them for the recompence to be made for such ground, and for the making such new ditches and fences as shall be necessary, according and in proportion to their several and respective interests therein, and also with any other person or persons, bodies politic or corporate, that may be injured by the enlarging, altering, or diverting such highways respectively for the satisfaction to be made to

Surveyors to agree with owners of lands for recompence; and if they cannot agree, the same may be assessed by a jury at the quarter sessions.

13 GEO. 3. c. 78.

him, her, or them respectively as aforesaid; and if the said surveyor under the direction and with the approbation of the said justices cannot agree with the said person or persons, bodies politic or corporate, or if he, she, or they cannot be found, or shall refuse to treat or take such recompence or satisfaction as shall be offered to them respectively by such surveyor, then the justices of the peace at any general quarter sessions to be holden for the limit wherein such ground shall lie, upon certificate in writing signed by the justices making such view as aforesaid of their proceedings in the premises, and upon proof of fourteen days notice in writing having been given by the surveyor of such parish, township or place to the owner, occupier, or other person or persons, bodies politic or corporate, interested in such ground, or to his, her, or their guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter sessions for the purpose of taking such ground, shall impannel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such quarter sessions; and the said jury shall upon their oaths to the best of their judgment assess the damages to be given and recompence to be made to the owners and others interested as aforesaid in the said ground for their respective interests as they shall think reasonable, not exceeding forty years purchase for the clear yearly value of the ground so laid out, and likewise such recompence as they shall think reasonable for the making of new ditches and fences on the side or sides of the said highways that shall be so enlarged or diverted, and also satisfaction to any person or persons, bodies politic or corporate, that may be otherwise injured by the enlarging or diverting the said highways respectively; and upon payment or tender of the money so to be awarded and assessed to the person or persons, bodies politic or corporate, entitled to receive the same, or leaving it in the hands of the clerk of the peace of such limit, in case such person or persons, bodies politic or corporate cannot be found or shall refuse to accept the same, for the use of the owner of or others interested in the said ground, the interest of the said person or persons, bodies politic or corporate in the said ground shall be for ever divested out of them, and the said ground after such agreement or verdict as aforesaid shall be esteemed and taken to be a public highway to all intents and purposes whatsoever; saving nevertheless to the owner or owners of such ground all mines, minerals, and fossils lying under the same which can or may be got without breaking the surface of the said highway, and also all timber and wood growing upon such ground, to be fallen and taken by such owner or owners within one month after such order shall have been made, or in default thereof to be fallen by the said surveyor or surveyors within the respective months aforesaid and laid upon the land adjoining for the benefit of the said owner or owners; and where there shall not appear sufficient money in the hands of the surveyor or surveyors for the purposes aforesaid, then the said two justices in case of agreement, or the said court of quarter sessions after such verdict as aforesaid, shall order an equal assessment to be made, levied, and collected upon all and every the occupiers of lands, tenements, woods, tithes and hereditaments in the respective parishes, townships, or places where such highways shall lie, and direct the money to be paid to the person or persons, bodies politic or corporate, so interested, in such manner as the said justices or court of quarter sessions respectively shall direct and appoint; and the money thereby raised shall be employed and accounted for according to the order and direction of the said justices or court of quarter sessions respectively for and towards the purchasing the land to enlarge or divert the said highways, and for the making the said ditches and fences, and also satisfaction for the damages sustained thereby; and the said assessment, if not paid within ten days after demand, shall by order of the said justices or court of quarter sessions respectively be levied by the said surveyor in the manner herein-after mentioned; provided that no such assessment to be made in any one year shall exceed the rate of sixpence in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments so assessed.

On payment of money assessed, ground to be deemed a public highway.

Where there is not money sufficient in the hands of the surveyor, assessments may be raised by order of the justices at their quarter sessions, not exceeding 6*d.* in the pound.

[XVII.] AND be it further enacted, that when any such new highways shall be made as aforesaid the old highway shall be stopped up, and the land and soil thereof shall be sold by the said surveyor, with the approbation of the said justices, to some person or persons whose lands adjoin thereto, if he, she, or they shall be willing to purchase the same, if not, to some other person or persons, for the full value thereof; but if such old road shall lead to any lands, house, or place which cannot in the opinion of such justices respectively be accommodated with a convenient way and passage from such new highway, which they are hereby authorized to order and lay out if they find it necessary, then and in such case the said old highway shall only be sold subject to the right of way and passage to such lands, house, or place respectively

Old highway and soil may be sold by the surveyor, subject in certain cases to ancient right of way and passage.

according to the ancient usage in that respect; and the money arising from such sale in either of the said cases shall be applied towards the purchase of the land where such new highway shall be made; and upon payment or tender of the money so to be agreed for as aforesaid, and upon a certificate being signed by the said two justices, or by the chairman of the said court of quarter sessions in case the same shall be determined there, describing the lands so sold and expressing the sum so agreed for and directing to whom the same shall be paid, and upon the purchaser's taking a receipt for such purchase money from the person entitled to receive the same by an indorsement on the back of such certificate, the soil of such old highway shall become vested in such purchaser and his heirs; but all mines, minerals, and fossils lying under the same shall continue to be the property of the person or persons who would from time to time have been entitled to the same if such old highway had continued there.

Mines and minerals reserved to the owners.

[XVIII.] AND be it further enacted, that in case such jury shall give in and deliver a verdict for more monies as a recompence for the right, interest, or property of any person or persons, bodies politic or corporate, in such lands or grounds, or for the making such fence, or for such damage or injury to be sustained by him, her, or them respectively as aforesaid, than what shall have been proposed and offered by the said surveyor before such application to the said court of quarter sessions as aforesaid, that then and in such case the costs and expences attending the said several proceedings shall be borne and paid by the surveyor of the said highway out of the monies in his or their hands, or to be assessed and levied by virtue and under the powers of this Act; but if such jury shall give and deliver a verdict for no more or for less monies than shall have been so offered and proposed by the said surveyor before such application to the said court of quarter sessions, that then the said costs and expences shall be borne and paid by the person or persons, bodies politic or corporate, who shall have refused to accept the recompence and satisfaction so offered to him, her, or them as aforesaid.

Costs of proceedings, by whom payable.

[XIX.] AND be it further enacted, that when it shall appear upon the view of any two or more of the said justices of the peace that any public highway not in the situation herein-before described or public bridleway or footway may be diverted so as to make the same nearer or more commodious to the public, and the owner or owners of the lands and grounds through which such new highway, bridleway, or footway is proposed to be made shall consent thereto by writing under his or their hand and seal or hands and seals, it shall and may be lawful by order of such justices at some special sessions to divert and turn and to stop up such footway, and to divert, turn, and stop up and inclose, sell, and dispose of such old highway or bridleway, and to purchase the ground and soil for such new highway, bridleway, or footway by such ways and means and subject to such exceptions and conditions in all respects as herein-before mentioned with regard to highways to be widened or diverted; and where any such highway, bridleway, or footway herein last before described shall be so ordered to be stopped up or inclosed, and such new highway, bridleway, or footway set out and appropriated in lieu thereof as aforesaid, it shall and may be lawful for any person or persons injured or aggrieved by any such order or proceeding, or by the inclosure of any road or highway by virtue of any inquisition taken upon any writ of ad quod damnum, to make his or their complaint thereof by appeal to the justices of the peace at the next general quarter sessions which shall be holden within the limit where the same shall lie after such order made or proceeding had as aforesaid, upon giving ten days notice in writing of such appeal to the surveyor and party interested in such inclosure, if there shall be sufficient time for that purpose, if not, such appeal may be made upon the like notice to the next subsequent quarter sessions of the peace, which courts of quarter sessions are hereby respectively authorized and empowered to hear and finally determine such appeal; and if no such appeal be made, or, being made, such order and proceedings shall be confirmed by the said court, the said inclosures may be made and the said way stopped, and the proceedings thereupon shall be binding and conclusive to all persons whomsoever; and the new highway, bridleway, or footway so to be appropriated and set out shall be and for ever after continue a public highway, bridleway, or footway to all intents and purposes whatsoever; but no inclosures of such old highways or bridleway or stoppage of such footway shall be made until such new highways, bridleway, or footway shall be completed and put into good condition and repair, and so certified by two justices of the peace upon view thereof, which certificate shall be returned to the clerk of the peace and by him inrolled amongst the records of the said court of quarter sessions; but from and after such certificate such old highways, bridleway, or footway shall and may be stopped up and the soil of such old highways

Highways, bridleways, and footways may be turned by the justices, at their special sessions, with the consent of the owners of the lands, if the new ones are nearer or more commodious to the public, and the old ones may be stopped up and inclosed and sold.

Appeal may be made to the quarter sessions against proceedings by writ of ad quod damnum or otherwise, by persons aggrieved.

No such inclosures to be made until the new highways, &c. shall be completed, and certificate thereof re-

13 GEO. 3. c. 78.

or bridleway sold in the manner and subject to the reservations and restrictions herein-before mentioned with respect to highways to be enlarged or diverted by virtue of this Act; and where any highway, bridleway, or footway hath been diverted and turned above twelve months, either from necessity where the same have been destroyed by floods or slips of the ground on which they were made, or from other causes and motives, if new highways, bridleways, or footways have been made in lieu thereof nearer or more commodious to the public, and the same have been acquiesced in, and no suit or prosecution hath been commenced for the diverting or turning the same, every new highway, bridleway, or footway set out and used in the place of that so diverted and turned shall from henceforth be the public highway, bridleway, or footway to all intents and purposes whatsoever; and all persons liable to the repair of any such old highways, bridleway, or footway so diverted and turned or to be diverted and turned as aforesaid shall in the same manner be and continue liable to the repair of such new highways, bridleway, or footway, except where any agreement shall have been made relative to such repairs between the parties interested therein which hath laid the burthen thereof or of any part thereof upon any other person or persons, in which case the same shall be observed.

turned to the clerk of the peace.

Where a highway, &c. has been diverted for 12 months, and no prosecution commenced, the diversion shall be confirmed.

Common land between fences of old highways not to be enclosed.

[XX.] PROVIDED nevertheless, and be it further enacted, that no common land lying between the fences of any old highway to be stopped up or inclosed by virtue of this Act shall be inclosed; and where the land lying between the fences of such highway, not being common land, shall upon a medium exceed thirty feet in breadth, and not extend to fifty feet in breadth, the same shall not be stopped up or inclosed until satisfaction shall be made to the owner of such land for so much thereof as shall exceed the said breadth of thirty feet; and if the parties cannot agree in the satisfaction so to be made, the same shall be adjusted by the said justices or the jury, if a jury shall be impannelled; and if the land between the fences inclosing such highways, not being common land, shall exceed fifty feet in breadth upon a medium, or if the said old road so to be diverted or turned shall lie through the open field or ground belonging to any particular person or persons, such person or persons, and also the person or persons entitled to the land between the fences on the side of such highway, shall respectively hold and enjoy the land and soil of such old highway, and pay to the surveyor for the use of the highways so much money as shall be agreed upon between the parties, or, if they cannot agree, so much as shall be deemed and adjudged by the said justices or jury, if such jury shall be impannelled as aforesaid, to be adequate to the purchase of it, estimating such highway at thirty feet in breadth upon an average.

Rights of adjoining owners to have or purchase land between fences of old highways, not being common land.

When old footways are stopped up, and new ones laid out, the owners of the lands shall make and receive satisfaction.

[XXI.] AND be it further enacted, that where any footway shall be diverted by virtue of this Act through the land belonging to the same person who owned the land through which such old footway lay, the same shall be adjudged and deemed an exchange only, and no satisfaction or compensation shall be made unless the land to be used for such new footway shall be of greater length and of greater value than the land used for such old footway; and where the said footway shall not be turned through the lands belonging to the same person the damage occasioned by such old footway to the lands through which it lay, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, the one to be named by the owner of the land, and the other by the said two justices; and if the persons so to be nominated cannot agree therein they shall choose some third person to adjudge the same, whose determination shall be final; and the money at which such damages shall be assessed shall be applied in making satisfaction to the owner or owners of the land through which such new footway shall be made.

Justices may order unnecessary highways to be stopped up.

[XXII.] AND be it further enacted, that if in any parish, township, or place where any highway shall be diverted and turned by virtue of this Act it shall appear to the justices, who are hereby authorized to view or inquire into the same, that there are other highways within such parish, township, or place besides that so to be diverted and turned which may without inconvenience to the public be diverted into such new highway hereby authorized to be made, or into any other highway or highways within such parish, township, or place, and the charge of repairing such highway or highways may be thereby saved to such parish, township, or place, it shall and may be lawful for such justices to order such highway or highways which shall appear to them unnecessary to be stopped up, and the soil thereof sold in such manner and subject to such restrictions and such right of appeal to the party or parties aggrieved thereby as are herein-before respectively directed and given concerning the highways to be stopped up or inclosed.

13 GEO 3. c. 78.

[XXIII.] AND be it further enacted, that every surveyor shall and may from time to time give information upon oath to the said justices, or any two or more of them, of all such highways and of all bridges, causeways, or pavements upon such highways as are out of repair and ought to be repaired by any person or persons, bodies politic or corporate, by reason of any grant, tenure, limitation, or appointment of any charitable gift, or otherwise howsoever; and the said justices shall limit a time for repairing the same, of which notice shall be given by the said surveyor to the occupier or occupiers of the lands or tenements liable to the burthen of such repairs, or to such other person or persons, bodies politic or corporate, as are chargeable with the same; and if such repairs shall not be effectually made within the time so limited the said justices shall and are hereby required to present such highways, bridges, causeways, or pavements so out of repair, together with the person or persons, bodies politic or corporate, liable to repair the same, at the next general quarter sessions of the peace for the limit wherein such highway shall lie; and the justices at such quarter sessions may, if they see just cause, direct the prosecution to be carried on at the general expence of such limit, and to be paid out of the general rates within the same.

Justices on information of surveyor may order highways liable to be repaired by tenure, &c. to be repaired within a limited time, and if not repaired within that time shall present them, with the persons liable to repair them, at quarter sessions.

[XXIV.] AND be it further enacted, that every justice of assize, justices of the counties palatine of Chester, Lancaster, and Durham, and of the great sessions in Wales, shall have authority by this statute, upon his or their own view, and every justice of the peace, either upon his own view or upon information upon oath to him given by any surveyor of the highways, to make presentment at their respective assizes or great sessions, or in the open general quarter sessions of such respective limit, of any highway, causeway, or bridge not well and sufficiently repaired and amended, or of any other default or offence committed and done contrary to the provision and intent of this statute; and that all defects in the repair thereof shall be presented in such jurisdiction where the same do lie, and not elsewhere; and that no such presentment nor any indictment for any such default or offence shall be removed by certiorari or otherwise out of such jurisdiction till such indictment or presentment be traversed and judgment thereupon given, except where the duty or obligation of repairing the said highways, causeways, or bridges may come in question; and that every such presentment made by any such justice of assize, counties palatine, great sessions, or of the peace, upon his own view, or upon such information having been given to such justice of the peace upon the oath of such surveyor of the highways as aforesaid, shall be as good and of the same force, strength, and effect in the law as if the same had been presented and found by the oaths of twelve men; and that for every such default or offence so presented as aforesaid the justices of assize, counties palatine, and great sessions at their respective courts, and the justices of the peace at their general quarter sessions, shall have authority to assess such fines as to them shall be thought meet; saving to every person and persons that shall be affected by any such presentment his, her, or their lawful traverse to the same presentment, as well with respect to the fact of nonrepair as to the duty or obligation of repairing the said highways, as they might have had upon any indictment of the same presented and found by a grand jury; and the justices of the peace, at their general quarter sessions, or the major part of them, may, if they see just cause, direct the prosecutions upon such presentments as shall be made at the quarter sessions as aforesaid to be carried on at the general expence of such limit, and to be paid out of the general rates within the same.

Justices of assize and of the peace, &c. to make presentments of highways, &c. out of repair.

[XXV.] AND be it further enacted, that the said justices of the peace, at any special sessions to be held by virtue of this Act, may by writing under their hands and seals order and appoint those highways (not being turnpike road) which in their opinion do most want repair within their jurisdiction to be first amended, and at what time and in what manner the same shall be amended; according to which order, if such there be, all and singular the respective surveyors of the said highways are hereby required to proceed within their respective liberties.

Justices may order what highways shall be first repaired.

[XXVI.] AND for the better convenience of travellers, where several highways meet, be it further enacted, that the said justices, at some special sessions to be held for the purposes of this Act, shall issue their precept to the surveyor of the highways for any parish, township, or place where several highways meet and there is no proper or sufficient direction post or stone already fixed or erected, requiring him forthwith to cause to be erected or fixed in the most convenient place where such ways meet a stone or post, with inscriptions thereon in large legible letters painted on each side thereof, containing the name or names of the next market town or towns or other considerable place or places to which the said highways respectively lead, and also at

Direction posts, where and how to be erected.

13 GEO. 3. c. 78.

the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts denoting the depth of water in the deepest part of the same, and likewise such direction posts or stones as the said justices shall judge to be necessary for the guiding of travellers in the best and safest track through the said floods or waters; and the said surveyor shall be reimbursed the expences of providing and erecting the same respectively out of the monies which shall be received by him or them pursuant to the directions of this Act; and in case any surveyor shall, by the space of three months after such precept to him directed and delivered, neglect or refuse to cause such stones or posts to be fixed as aforesaid, every such offender shall forfeit the sum of twenty shillings.

Materials, where and in what manner to be taken by surveyors.

[XXVII.] AND for the better repairing and keeping in repair the said highways and providing of materials for that purpose, be it enacted, that it shall and may be lawful to and for every surveyor to be appointed as aforesaid to take and carry away or cause to be taken and carried away so much of the rubbish or refuse stones of any quarry or quarries lying and being within the parish, township, or place where he shall be surveyor (except such as shall have been got by the surveyor of any turnpike road), without the licence of the owner or owners of such quarries, as they shall judge necessary for the amendment of the said highways, but not to dig or get stone in such quarry without leave of the owner thereof; and also that it shall and may be lawful for every such surveyor, for the use aforesaid, in any waste land or common ground, river, or brook within the parish, township, or place for which he shall be surveyor, or within any other parish, township, or place, wherein gravel, sand, chalk, stone, or other materials are respectively likely to be found (in case sufficient cannot be conveniently had within the parish, township, or place where the same are to be employed, and sufficient shall be left for the use of the roads in such other parish, township, or place), to search for, dig, get, and carry away the same, so that the said surveyor doth not thereby divert or interrupt the course of such river or brook, or prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred feet above or below any bridge, nor within the like distance of any dam or wear; and likewise to gather stones lying upon any lands or grounds within the parish, township, or place where such highway shall be, for such service and purpose, and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways, without making any satisfaction for the said materials; but satisfaction shall be made for all damages done to the lands or grounds of any person or persons by carrying away the same, in the manner herein-after directed for getting and carrying materials in inclosed lands or grounds; but no such stones shall be gathered without the consent of the occupier of such lands or grounds, or a licence from a justice of peace for that purpose, after having summoned such occupier to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent.

Satisfaction to be made for damages done by carrying them away.

Not to authorize the taking of stones thrown up by the sea on private property.

[XXVIII.] PROVIDED always, and be it further enacted by the authority aforesaid, that nothing in this Act contained relative to the gathering or getting of stones shall extend to any quantity of land (being private property) covered with stones thrown up by the sea, commonly called beach.

If sufficient materials cannot be found in waste lands, &c. surveyor may take them from inclosed lands, making satisfaction to the owners.

[XXIX.] AND be it further enacted, that it shall and may be lawful for every such surveyor, for the use aforesaid, to search for, dig, and get sand, gravel, chalk, stone, or other materials, if sufficient cannot conveniently be had within such waste lands, common grounds, rivers, or brooks, in and through any of the several or inclosed lands or grounds of any person or persons whomsoever within the parish, township, or place where the same shall be wanted, or, by licence from two justices of the peace at a special sessions, within any other parish, township, or place adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such justices that sufficient materials cannot be conveniently had in the parish, township, or place where such highways lie, or in the waste lands or common grounds, rivers, or brooks of such adjacent parish, township, or place, and that a sufficient quantity of materials will be left for the use of the parish, township, or place where the same shall be (such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation), and to take and carry away so much of the said materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the said highways; the said surveyor making such satisfaction for the damage to be done to such lands or grounds by the getting and carrying away the same as shall be agreed upon between him and the owner, occupier,

or other person interested in such lands or ground respectively, in the presence and with the approbation of two or more substantial inhabitants of such parish, township, or place; and in case they cannot agree, then such satisfaction and recompence shall be settled and ascertained by order of one or more justice or justices of the peace of the limit where such land or ground shall lie; and in such places where, from the want of other materials, burnt clay may be substituted in the place thereof, it shall and may be lawful for the surveyor to dig clay in such places as he is hereby authorized to dig chalk or gravel, and to dry the same upon the lands adjoining, and to burn the same upon any waste lands or common grounds, and to carry such clay in such manner as other materials are allowed to be carried by this Act, upon making such satisfaction for the damages within the several inclosed lands or grounds where such clay shall be placed or carried as herein directed with regard to other materials; provided that when the owner of any such inclosed lands shall have occasion for any such materials lying within the same for the repair of any highway or other roads or ways upon his estate or which he shall be under obligation to repair, and shall give notice to such surveyor that he apprehends there will not be sufficient for those purposes, and also for the use of the public highways, then and in every such case the surveyor shall not be permitted to dig or take such materials without the consent of such owner, or an order of two justices of the peace, after having summoned and heard the said owner or occupier, or his steward or agent, which justices are hereby authorized to inquire into the nature and circumstances of the case, and to permit or restrain such power in such manner and under such directions as to them shall seem just.

In what manner satisfaction is to be settled.

Clay may be got and burnt into materials for repairing the highways.

Sufficient materials to be left to enable owners of lands to do repairs to which they are liable.

[XXX.] AND whereas in some parishes, townships, or places there may not be sufficient materials for the repair of the highways within the same, nor within the waste lands, common grounds, rivers, or brooks of any other parish, township, or place lying within a convenient distance from such highway, by reason whereof the surveyor of such highway may be forced to buy such materials, and to make recompence and satisfaction to the owner or occupier of inclosed lands for damage which may be done by getting and carrying thereof: And whereas no provision is made for raising a fund to reimburse the expences thereof, and also such expences as the said surveyors may incur by erecting guide posts, or other posts or stones, and by making or repairing such trunks, tunnels, plats, bridges, or arches as aforesaid, and by rendering satisfaction for damages done to lands by the making of new ditches or drains, nor for the salary to be paid by such parish, township, or place to such surveyor as aforesaid: Be it therefore enacted, that upon application by such surveyor to the justices of the peace at their special sessions, and oath made of the sum or sums of money which he hath bonâ fide laid out and expended, or which will be required for the purposes aforesaid, the said justices or any two or more of them shall and they are hereby empowered, by warrant under their hands and seals, to cause an equal assessment to be made for the purposes aforesaid upon all occupiers of lands, tenements, woods, tithes, and hereditaments within such parish, township, or place where such money shall be so expended or laid out, and the same shall be made and collected by such person or persons and allowed in such manner as the said justices by their order at such sessions shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for according to the direction of the said justices for the purposes aforesaid; and the said assessments shall be levied in such manner as herein-after mentioned: Provided nevertheless, that no such assessment to be made for those or any of those purposes in any one year shall exceed the rate of sixpence in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments so to be assessed.

Expences incurred for buying materials, making satisfaction for damages, &c., may, on application to justices at a special sessions, be raised by an assessment not exceeding 6*d.* in the pound.

[XXXI.] AND be it further enacted, that if any surveyor or person employed by him shall, by reason of the searching for, digging, or getting any gravel, sand, stones, chalk, clay, or other materials for repairing any highways, make or cause to be made any pit or hole in any such lands or grounds, rivers or brooks as aforesaid, wherein such materials shall be found, such surveyor, person or persons shall forthwith cause the same to be sufficiently fenced off and such fence supported and repaired during such time as the said pit or hole shall continue open, and shall within three days after such pit or hole shall be opened or made, where no gravel, stones, or materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, sloped down, or fenced off, and so continued; and every surveyor shall within twenty days after he shall be appointed to that office cause all the said pits and holes which shall then be open and not likely to be further useful to be

Pits or holes made in getting materials shall be filled up or fenced off.

13 GEO. 3. c. 78.

Penalty for neglect.

filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by posts and rails or other fences, to prevent accidents to persons or cattle; and in case such surveyor, person or persons shall neglect to fill up, slope down, or fence off such pit or hole in manner and within the time aforesaid, he or they shall forfeit the sum of ten shillings for every such default; and in case such surveyor, person or persons shall neglect to fence off such pit or hole, or to slope down the same as herein-before directed, for the space of six days after he or they shall have received notice for either of those purposes from any justice of the peace, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands as aforesaid, and such neglect and notice shall be proved upon oath before one or more of the said justices of the peace, such surveyor, person or persons shall forfeit and pay any sum not exceeding ten pounds nor less than forty shillings for every such neglect, to be determined and adjudged by such justice or justices, and to be laid out and applied in the fencing off, filling up, or sloping down such pit or hole, and toward the repair of the roads in the parish, township, or place where the offence shall be committed, in such manner as the said justice or justices shall direct and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are herein-after directed to be levied.

Materials dug for the use of any other parish to be removed in summer or hard frost.

[XXXII.] PROVIDED always, and be it further enacted, that no stone, gravel, or materials to be dug for the use of any other parish, township, or place than that wherein the same are found shall be removed or carried from the place where they shall be so dug at any other time than between the first day of April and the first day of November, or in the time of hard frost in the winter season.

Penalty on persons damaging mills, buildings, dams, &c. by digging materials.

[XXXIII.] AND be it further enacted, that if any person shall dig or cause to be dug materials for the highways contrary to the direction of this Act, whereby any bridge, mill, building, dam, highway, ford, mines, or tin-works may be damaged or endangered, every offender therein shall forfeit for every such offence any sum not exceeding five pounds nor less than twenty shillings, at the discretion of the court or justices before whom complaint thereof shall be made.

Statute duty to be rendered by persons keeping a team or occupying lands, &c.

[XXXIV.] AND be it further enacted, that the said surveyor to be appointed as aforesaid, together with the inhabitants and occupiers of lands, tenements, woods, tithes, and hereditaments within each parish, township, or place, shall at proper seasons in every year use their endeavours for the repair of the highways, and shall be chargeable thereunto as followeth; that is to say, every person keeping a waggon, cart, wain, plough, or tumbrel, and three or more horses or beasts of draught used to draw the same, shall be deemed to keep a team, draught, or plough, and be liable to perform statute duty with the same in the parish, township, or place where he resides, and shall six days in every year (if so many days shall be found necessary) to be computed from Michaelmas to Michaelmas, send on every day and at every place to be appointed by the surveyor for the amending the highways in such parish, township, or place, one wain, cart, or carriage, furnished after the custom of the country with oxen, horses, or other cattle, and all other necessaries fit to carry things for that purpose, and also two able men with such wain, cart, or carriage; which duty so performed shall excuse every such person from his duty in such parish, township, or place in respect of all lands, tenements, woods, tithes, or hereditaments, not exceeding the annual value of fifty pounds, which he shall occupy therein; and every person keeping such team, draught, or plough, and occupying in the same parish, township, or place, lands, tenements, woods, tithes, or hereditaments of the yearly value of fifty pounds, over and beyond the said yearly value of fifty pounds in respect whereof such team duty shall be performed, and every such person occupying lands, tenements, woods, tithes, or hereditaments of the yearly value of fifty pounds in any other parish, township, or place besides that wherein he resides, and every other person not keeping a team, draught, or plough, but occupying lands, tenements, woods, tithes, or hereditaments of the yearly value of fifty pounds in any parish, township, or place, shall in like manner respectively and for the same number of days find and send one wain, cart, or carriage, furnished with not less than three horses or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart, or carriage, and in like manner for every fifty pounds per annum respectively which every such person shall further occupy in any such parish, township, or place respectively, such wains, carts, or carriages to be employed by the surveyor in the repairing and amending the highways within the parish, township, or place where such lands, tenements, woods, tithes, or hereditaments shall respectively lie; and every person who shall not keep a team, draught, or plough,

but shall occupy lands, tenements, woods, tithes, or hereditaments under the yearly value of fifty pounds in the parish, township, or place where he resides, or in any other parish, township, or place, and every person keeping a team, draught, or plough, and occupying lands, tenements, woods, tithes, or hereditaments under the yearly value of fifty pounds in any other parish, township, or place than that wherein he resides, shall respectively contribute to the repair of the highways, and pay to the surveyor of such parish, township, or place respectively, in lieu of such duty, the sums following; videlicet, for every twenty shillings of the annual value of such lands, tenements, woods, tithes, or hereditaments respectively, the sum of one penny for every day's statute duty which shall be required and called for by the surveyor of such parish, township, or place respectively in every year, not exceeding six days duty in the whole as aforesaid; and every such person respectively shall in like manner pay the sum of one penny for every twenty shillings of the annual value of the lands, tenements, woods, tithes, and hereditaments which he shall occupy in any such parish, township, or place respectively above the annual value of fifty pounds and less than one hundred pounds, and so for every twenty shillings that each progressive and intermediate annual value of twenty shillings of the lands, tenements, woods, tithes, and hereditaments which he shall so occupy shall fall short of the further increase of fifty pounds in every parish, township, or place where such lands, tenements, woods, tithes, and hereditaments shall respectively lie, for every day's statute duty so to be required as aforesaid; which said several sums shall be considered as compositions, and shall be paid to the surveyor of the parish, township, or place in which they are charged for the use of the highways therein, at the time such compositions are to be paid under the authority of this Act or within ten days after; or in default of such payments such money shall be levied by distress and sale of the goods and chattels of the person or persons refusing to pay the same, in such manner as the forfeitures for the neglect in performing the statute duty are hereby authorized to be levied and raised: Provided that no person keeping such team, draught, or plough, and performing duty with the same as aforesaid in the parish, township, or place where he resides, and not occupying lands, tenements, woods, tithes, or hereditaments within the same of the yearly value of thirty pounds, shall be obliged to send more than one labourer with such team, draught, or plough.

Contributions in money;

to be considered as compositions, and paid with such compositions,

or recovered by distress.

[XXXV.] AND be it further enacted, that every person who shall not keep a team, draught, or plough, but shall keep one or more cart or carts, and one or two horses or beasts of draught only used to draw in each of such carts upon the highways, shall be obliged to perform his statute duty for the like number of days with such cart or carts and horse or horses, or beasts of draught, and one labourer to attend each cart, or to pay for the lands, tenements, woods, tithes, and hereditaments which he shall occupy according to the rate aforesaid, at the option of the surveyor; and every person who shall keep a coach, post chaise, chair, or other wheel carriage, and not keep a team, draught, or plough, nor occupy lands, tenements, woods, tithes, or hereditaments of the annual value of fifty pounds in the parish, township, or place where he shall reside, shall pay to the surveyor one shilling in respect of every such day's statute duty for every horse which he shall draw in any such carriage, or shall pay according to the value of the lands, tenements, or hereditaments which he shall occupy according to the rate aforesaid, at the option of the surveyor; and also every man inhabiting in any parish, township, or place, and being of the age of eighteen and under the age of sixty years, not chargeable in any of the respects aforesaid for lands, tenements, woods, tithes, or hereditaments of the yearly value of four pounds or upwards, and not being bonâ fide an apprentice or menial servant, nor having performed the said duty or paid the composition for the same in any other parish, township, or place for that year, shall, by themselves or one sufficient labourer for every of them, upon every of the said days on which they shall be called forth by the said surveyor, together with the said other labourers, work and labour in the amendment of the said highways, as they shall be directed by such surveyor; and if the said teams, draughts, or ploughs, or any of them, shall not be thought needful by the surveyor on any of the said days, then every such person who should have sent any such team, draught, or plough according to the directions aforesaid shall, according to the notice to be given as herein-after directed, send unto the said work for every one so spared three able men, there to labour as aforesaid, or to pay to the said surveyor the sum of four shillings and sixpence in lieu thereof; and all such persons as aforesaid shall respectively have and bring with them such shovels, spades, picks, mattocks, and other tools and instruments as are useful and proper for the purposes aforesaid; and all the said persons and carriages

Statute duty required from persons who do not keep a team, but keep one or two horses used to draw, or who keep a coach, post chaise, &c.

Personal labour required from inhabitants who do not occupy lands of value of 4*l.* per annum.

Three men to be sent in lieu of a team, if required, or 4*s.* 6*d.* in money to be paid in lieu thereof.

13 GEO. 3. c. 78.

shall diligently perform the work and labour to which they shall be appointed by such surveyor for eight hours in every of the said days within such parish, township, or place, or in getting and carrying materials in and from any other parish, township, or place to be employed in the repair of the highways of the parish, township, or place for which they shall be required to perform such duty and labour as aforesaid; and if any person sending a team as aforesaid shall not send a sufficient labourer besides the driver (except as herein-before mentioned), or if any such labourer or driver, or any other labourer, or the driver of any cart required by this Act to perform statute duty as aforesaid shall refuse to work and labour during the time above mentioned according to the direction of the surveyor, or if any driver shall refuse to carry proper and sufficient loads, it shall and may be lawful for such surveyor to discharge every such team, cart, or labourer, and to recover from the owner of every such team or cart the forfeiture which every such person or persons would have incurred by virtue of this Act in case no such team, cart, or labourer respectively had been sent.

During what hours the duty shall be performed.

Forfeitures may be recovered from those who do not send labourers, or whose labourers refuse to work.

The surveyor may call for part of a team where he thinks it necessary.

[XXXVI.] AND be it further enacted, that it shall and may be lawful for the surveyor, where the employment for teams is of such sort that two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, to call upon any person liable to send a team, draught, or plough by virtue of this Act, who keeps one or more cart or carts, and three or more horses, to send such cart or carts, horse or horses, to perform his statute duty, as the surveyor shall find most convenient and shall direct; and the surveyor shall allow every such stand cart and one horse as half a team, and every cart and two horses as two thirds of a team; and if a waggon shall be found necessary for any particular business the surveyor may require the duty or any part thereof to be performed with such waggon by any person who keeps one; which directions of the surveyor shall be observed, or the person liable to perform such duty shall forfeit such sum as the duty so required of him shall bear in proportion to the forfeiture hereby inflicted for every neglect in performing duty with a team, draught, or plough.

What notice to be given for performing the duty.

Forfeitures for every default or neglect.

[XXXVII.] AND be it further enacted, that every such surveyor shall from time to time give to or cause to be left at the house or usual place of abode of every person or persons so liable to perform such duty or labour as in this Act directed four days notice at the least of the day, hour, and place upon which each of the said day's duty shall be required to be performed; and every person or persons making default in finding and sending each wain, cart, or carriage, furnished as aforesaid, and such able men with the same as herein required, or in performing the said duty at the time and place and in the manner by this Act directed, shall for every such default or neglect in sending such wain, cart, or carriage with such men as aforesaid forfeit the sum of ten shillings; and for every default in sending every cart with one horse and one man three shillings; and for not sending every cart with two horses and one man five shillings; and every person or persons making default in sending any such labourer, and every person making default in performing such labour at the time and place and in the manner directed by this Act, or in paying such composition money for the same as herein mentioned, shall for every such neglect forfeit the sum of one shilling and sixpence; all which forfeitures shall be applied for the use of the highways within the parish, township, or place where the same shall arise; and the said surveyor shall fairly and equally demand and require such duty and labour from every person or persons liable to perform the same according to the directions of this Act, without favour or partiality to any person or persons whomsoever; and if in any parish, township, or place it shall not be necessary to call forth the whole duty in any year, it shall be abated in a just and equal proportion amongst all persons liable to the same; and the said surveyor may and shall and he is hereby required, with all convenient speed after default made in performance of such duty or labour as aforesaid, to proceed for the recovery of the penalties or forfeitures hereby inflicted for the same respectively in manner herein-after directed, so that the same may be recovered before he makes up his accounts in the manner directed by this Act.

Application of the forfeitures.

The surveyor to call forth the duty fairly and equally.

Persons may compound for statute duty.

[XXXVIII.] PROVIDED always, and be it further enacted, that any person or persons liable to perform the said duty by sending one or more team or teams, draught or draughts, plough or ploughs, with men, horses, or oxen, in manner aforesaid, shall and may compound for the same if he, she, or they shall think fit, by paying to the said surveyor, at the time and in the manner herein-after mentioned, such sum or sums of money as the justices of the peace for the limit wherein such parish, township, or place shall be, or the major part of them, at their said special sessions to be held in the first week after Michaelmas quarter sessions in every year, shall adjudge and declare to be

reasonable, not exceeding six shillings nor less than three shillings for each team, draught, or plough for each day; and in default of their adjudging and declaring the same, the sum of four shillings and sixpence for and in lieu of every such day's duty for each team, draught, or plough; and for every cart and one horse or beast of draught, two shillings, and for every cart with two horses or beasts of draught, three shillings, for and in lieu of every day's duty; and every inhabitant liable to perform such duty or labour as aforesaid, and not chargeable in any other respect as aforesaid, shall and may compound for the same if he, she, or they shall think fit, by paying to the surveyor the sum of fourpence for and in lieu of every such day's duty or labour respectively, at the time and in the manner herein-after directed for the payment of composition money.

Compositions fixed.

[XXXIX.] PROVIDED always, and be it further enacted, that if it shall appear to the justices at their special sessions to be held in the week next after Michaelmas quarter sessions that from the directions herein-before given for the performing and compounding the statute duty there will be difficulty in procuring the necessary carriages, or a sufficient number of labourers, for the repair of the highways in any particular parish, township, or place within their respective limits, without paying high and extravagant prices for the same, it shall and may be lawful for such justices to order and direct the team duty hereby required, or so much thereof as they shall think fit, to be performed in kind within every such parish, township, or place, except in respect of such teams as belong to persons who do not occupy lands, tenements, woods, tithes, or hereditaments of the annual value of thirty pounds within the same, and also to order the labourers liable by this Act to perform or compound for statute duty, or such part of them as they shall think fit, to perform six days labour upon such highways in kind, in case so many days duty shall be required, upon being paid for such labour the usual and customary wages given to labourers in such parish, township, or place, deducting thereout the sum of fourpence for each day's duty so performed, being the composition hereby allowed for labourers; provided that if part of such teams or labourers only are required it shall be directed by the said order of the justices in some given proportion, as one half, third, or fourth part thereof; and the surveyor shall in that case, at a public vestry for such parish, township, or place, put the names of all the persons liable by this Act to send such teams into one hat or box, and the names of all the persons liable to perform such labour into another hat or box, and some inhabitant then present shall draw out such number from each as shall be equal to the proportion so ordered by the said justices, and the persons so drawn shall perform such duty in kind for that year; and that if any such order shall be made or continued in the subsequent year the same method shall be observed, but the names drawn in the preceding year shall not be put into such hat or box; and in every succeeding year such method and regulation shall be observed by such surveyor as to render the duty so required to be performed in kind as equal amongst the several persons liable thereto as may be; which order of the said justices, so far as the same shall be extended, shall supersede the said power or liberty of compounding, and shall be binding and effectual to all intents and purposes whatsoever, and shall continue in force until it shall be discharged or varied by the justices at some subsequent special sessions for the highways within such limit, to be held in the week next after Michaelmas quarter sessions; anything herein contained to the contrary thereof in anywise notwithstanding.

Justices may direct the performance of team duty or labour in kind in any parish, &c. where they find extravagant prices required for teams or labour.

Mode of proceeding if they direct a part only of the inhabitants to perform their duty or labour in kind.

[XL.] PROVIDED always, and be it further enacted, that if any person or persons who shall keep a team, draught, or plough, and shall not occupy lands, tenements, woods, tithes, or hereditaments to the value of thirty pounds per annum in the parish, township, or place where he shall reside, but shall in part maintain his horses and beasts of draught used in such team upon or from lands which he shall occupy in one or more adjacent parish or parishes, it shall and may be lawful for the said justices at some special sessions to mitigate and reduce the duty or composition so required to be performed or paid by such person or persons in such manner and to such sum as they shall think just and reasonable.

Justices may mitigate the duty or composition where a person maintains his team partly from lands in another parish.

[XLI.] PROVIDED also, and be it further enacted, that the said surveyor of every parish, township, or place shall, on some Sunday in November in every year, cause ten days notice at the least to be given in the church or chapel of such parish, township, or place, and if there be no church or chapel, or no service performed therein, then at the most public place there, and repeat the like notice in such church, chapel, or place, on the next succeeding Sunday, of the time and place when and where the persons permitted under the authority of this Act and inclined to compound for the said duty in manner aforesaid may signify to such surveyor their intention to compound; and

Surveyors to give notice of the time and place for compounding.

13 GEO. 3. c. 78.

all and every person or persons signifying the same who shall then, or within the space of one calendar month afterwards, pay to such surveyor the composition authorized and allowed by this Act shall be discharged from the performance of such duty; which composition money shall be employed by the surveyor for the use of the highways; and that no composition shall be permitted unless the same shall be paid at the day or within the time aforesaid; but in cases where the occupation of any lands, tenements, woods, tithes, or hereditaments shall be changed, or any new occupant or inhabitant shall come to reside in such parish, township, or place, after the time appointed for such composition, then the person or persons occupying such lands, tenements, woods, tithes, or hereditaments, or so residing in such parish, township, or place, shall be allowed to compound in manner aforesaid, provided he, she, or they shall pay the said composition money to the said surveyor within fourteen days after he, she, or they shall enter upon such lands, tenements, or hereditaments, or shall come to reside in such parish, township, or place; and every tenant or occupier of any lands, tenements, woods, tithes, or hereditaments, who intends to quit the possession thereof within six calendar months from the time fixed for making such composition, shall and may compound for half the duty hereby required, and the succeeding tenant or occupier shall and may in that case compound or perform the duty in kind for the other half thereof; and if the surveyor shall receive from any person or persons a composition for more duty than shall be required from the other inhabitants and occupiers within the same parish, township, or place for the same year, he shall repay such extraordinary composition money to such person or persons, so as to bring the duty to an equality amongst all such inhabitants and occupiers.

How the composition money shall be paid and employed.

Apportionment of composition money on change of occupancy or partial residence, &c.

Repayment of composition money paid in excess.

[XLII.] PROVIDED always, and be it further enacted, that in every parish, township, or place where any person shall keep a draught or plough, and no carriage, he shall pay to the surveyor the sum of one shilling for every horse or pair of oxen or neat cattle used in such draught or plough, for every day's statute duty, on the day such duty is required to be performed, or pay according to the rate aforesaid for the lands, tenements, woods, tithes, and hereditaments which he shall occupy in such parish, township, or place, at the option of the surveyor.

Persons keeping a draught or plough, and no carriage, to pay for the horses or oxen drawing them.

[XLIII.] AND in order to prevent as much as possible any inconvenience to the persons liable to perform statute duty, be it enacted, that it shall and may be lawful for the inhabitants of every parish, township, or place, at some vestry or other public meeting or meetings to be held pursuant to this Act, to appoint three months in every year within which no statute duty shall be performed; videlicet, one month in the spring to be called the seed month, one month in the summer for the hay harvest, and one other month in the summer for the corn harvest: Provided that notice in writing be given of the time so appointed to the surveyor of such parish, township, or place respectively, and also to the surveyor of every turnpike road lying within the same, within three days after every such meeting, and fourteen days at least before the beginning of each of such months.

Inhabitants may fix three months in the year in which the statute duty shall not be called forth.

[XLIV.] AND whereas by several Acts of Parliament concerning turnpike roads a certain part of the duty called statute duty is or may be directed to be performed on such roads, and it may happen in some places that the several persons liable thereto may have compounded for the same: Be it therefore further enacted, that in all such cases the surveyor of the highways of the parish, township, or place where such composition shall have been made shall pay to the treasurer or surveyor of such turnpike roads a certain part of the composition money so received, to be proportioned according to the number of days duty which such person or persons was or were liable to perform on such turnpike road; which money shall be laid out and expended on such part of the said turnpike road as lies within the parish, township, or place from which it was received, and not elsewhere; and if such surveyor of the highways shall refuse or neglect to pay to the treasurer or surveyor of such turnpike road such part of the said composition money so received by him within twenty days after he shall have received the same, upon demand made by such treasurer or surveyor, the same shall and may be levied upon the goods and chattels of such surveyor, in such manner as penalties and forfeitures are by this Act authorized to be levied.

Where part of the duty is to be performed on turnpike roads, and the surveyor receives composition money, he shall pay to the treasurer of the turnpike roads his proportion of the composition, to be laid out for the use of the turnpike road within the parish.

[XLV.] AND be it further enacted, that if upon application of the surveyor of the highways for any parish, township, or place to the justices of the peace for the limit wherein such parish, township, or place lieth, at their general or quarter sessions of the peace, or at some special sessions for the highways, the said justices shall be fully satisfied by proof upon oath that the duty hereby directed to be performed and the money hereby authorized to be collected and received has been performed, applied, and

If the duty and the money before authorized to be raised shall not be sufficient, the justices

expended according to the directions of this Act, or shall be fully satisfied that the common highways, bridges, causeways, streets, or pavements belonging to such parish, township, or place are so far out of order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported by the means herein-before prescribed (notice being first given of such intended application at the church or chapel of such parish, township, or place on some Sunday preceding such quarter or special sessions, or if the place be extra-parochial notice in writing being first given of such intended application to some of the principal inhabitants residing in such extra-parochial place a week at least before such general or special sessions), that then and in any of the said cases an equal assessment upon all and every the occupier of lands, tenements, woods, tithes, and hereditaments within any such parish, township, or place shall or may be made and collected by such person and persons and allowed in such manner as the said justices by their order at such general or special sessions shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of the said justices, for and towards the amending, repairing, paving, cleansing, and supporting such highways, causeways, streets, pavements, and bridges from time to time as need shall require.

may order an assessment.

[XLVI.] PROVIDED nevertheless, that the assessment herein last before authorized, and the assessment herein-before authorized for buying materials, making satisfaction for damages, erecting guide posts, and paying the surveyor's salary, shall not together in any one year exceed the rate of ninepence in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments so to be assessed.

All the assessments not to exceed 9*d.* in the pound in any one year.

[XLVII.] AND be it further enacted, that no fine, issue, penalty, or forfeiture for not repairing the highways, or not appearing to any indictment or presentment for not repairing the same, shall hereafter be returned into the Court of Exchequer or other court, but shall be levied by and paid into the hands of such person or persons residing in or near the parish, township, or place where the road shall lie as the court imposing such fines, issues, penalties, or forfeitures shall order and direct, to be applied towards the repair and amendment of such highways; and the person or persons so ordered to receive such fine shall and is hereby required to receive, apply, and account for the same according to the direction of such court, or in default thereof shall forfeit double the sum received; and if any fine, issue, penalty, or forfeiture to be imposed on any such parish, township, or place for not repairing the highways or not appearing as aforesaid shall hereafter be levied on any one or more of the inhabitants of such parish, township, or place, that then such inhabitant or inhabitants shall and may make his or their complaint to the justices of the peace at their special sessions; and the said justices are hereby empowered and authorized by warrant under their hands and seals to cause a rate to be made, according to the form and manner herein last before prescribed, for the reimbursing such inhabitant or inhabitants the monies so levied on him or them as aforesaid; which rate so made and confirmed by any two justices shall be collected and levied by the surveyor of the highways of such parish, township, or place so presented or indicted as aforesaid; and the said surveyor shall within one month next after the making and confirming the rate aforesaid collect, levy, and pay unto such inhabitant or inhabitants the money so levied on him or them as aforesaid.

Fines, penalties, and forfeitures, how to be levied and applied.

Fines imposed on a parish, &c., and levied on any inhabitant shall be reimbursed by a rate.

[XLVIII.] AND be it further enacted, that the surveyor of the highways for every parish, township, or place shall carefully and diligently collect or cause to be collected the several assessments, forfeitures, penalties, sums of money, and compositions directed and allowed to be received and taken within the same by virtue of this Act within the year for which he is appointed surveyor; and shall keep one or more book or books in which he shall fairly enter a just, true, and fair account of all such money as shall have come to his hands or to the hands of the said assistant in respect of such parish, township, or place by virtue and for the purposes of this Act, and to whom and on what occasion he shall have paid or applied the same; and shall also enter in such book or books a list or lists of all such sums of money as shall then remain due and owing from any person or persons in respect of the payments, compositions, assessments, penalties, or forfeitures to be collected, received, or taken for and in respect of the said highways by virtue of this Act; and the said surveyor shall also enter in the said book or books an account of all tools, materials, implements, and other things provided or to be provided, by order of the inhabitants at a vestry or other public meeting, for the repair of the said highways, at the public expence of such parish, township, or place; and shall produce such books, and the assessments made within that year for the purposes of this Act, unto the inhabitants of the parish, township, or place to which

Surveyor's duty as to collecting assessments, &c., and keeping books and accounts.

Books and accounts to be produced to

13 GEO. 3. c. 78.

they belong, at a vestry or other public meeting to be held for that purpose within fifteen days before the said special sessions so to be held in the week next after Michaelmas quarter sessions as aforesaid, to the intent that the said accounts, assessments, and lists may be inspected by the inhabitants of such parish, township, or place respectively; and every such surveyor shall, after the said books and assessments shall have been produced at such meeting, take the same to such justice of the peace for the limit wherein such parish, township, or place doth lie, and on such day and at such hour, as shall be agreed upon at such meeting, some day after the said meeting of the inhabitants, and before such last-mentioned special sessions, and then and there verify such account or any part thereof upon oath if required; and such justice may allow such account if he finds it just or postpone it until such special sessions if he finds cause for so doing, in which case it may be settled and allowed at such special sessions after the parts objected to by such justice shall have been explained and verified by proper evidence to the satisfaction of the justices at such special sessions; and in case any articles contained in such accounts shall not be explained and proved to the satisfaction of such justices they may disallow the same; and whenever the said accounts shall be so settled and allowed or disallowed as aforesaid all such books and assessments shall be transmitted to the churchwarden or overseer of the poor for such parish, township, or place respectively, or if the place be extra-parochial, then to some principal inhabitant thereof, to be kept for the use of such parish, township, or place; and the said surveyor shall forthwith deliver a duplicate of such book and account, together with all sums of money as shall remain in his hands, and likewise all tools, materials, implements, and other things as aforesaid to the succeeding surveyor for such parish, township, or place, in case any new surveyor shall be appointed, or retain the same in his hands, and account for them in his next account if he shall be continued surveyor for such parish, township, or place in the succeeding year; and it shall and may be lawful for the succeeding surveyor, and he is hereby authorized and required, to recover, collect, and receive all such sums of money which shall be due and owing as aforesaid by all such ways and means as fully and effectually to all intents and purposes as the preceding surveyor could, might, or ought to have recovered, collected or received the same; and in case such surveyor shall neglect to provide such book or books, or to enter such respective accounts and lists therein, or to deliver the said book or books, and such duplicate thereof, and such assessments, tools, materials, implements, and other things in manner aforesaid, he shall for every such offence forfeit any sum not exceeding five pounds nor less than forty shillings; and in case he shall make default in the paying or accounting for the money so remaining in his hands within the time and according to the directions aforesaid, he shall forfeit double the value of the money which shall be adjudged by the said justices to be in his hands; and in case any such surveyor shall die before such respective accounts and lists shall be made out, or such monies, books, assessments, tools, materials, and implements shall be so delivered and paid, the executors or administrators of such surveyor shall make out, pay, and deliver the same in like manner and under the like penalty as such surveyor is hereby required and made subject and liable to; and every surveyor shall pay to the justices clerks for the appointment and charge the sum of one shilling, for the bond sixpence, and for the account so to be examined and taken and for the oath so to be administered the sum of one shilling and no more; and if any person or persons shall receive any greater sum or fee for the business aforesaid than herein-before mentioned he shall forfeit the sum of ten pounds for every offence.

and inspected by inhabitants of parish, and passed before a justice or at special sessions;

and afterwards to be kept by churchwardens, &c.

Duplicates of books and accounts, balance of money, materials, tools, &c., to be delivered to the succeeding surveyor.

New surveyor authorized to collect arrears, &c.

Penalties on surveyors for neglect of duty.

If surveyor dies, his executors, &c. shall account.

Fees to be paid to the justices clerks.

[XLIX.] AND be it further enacted, that in every parish, township, or place where a sufficient quantity of stone, gravel, chalk, or other materials cannot be provided and carried by the labourers and teams required by this Act to perform statute duty within such parish, township, or place, the said surveyor shall and is hereby required to contract for the getting and carrying thereof (in the presence of the said assistant, if any such shall be appointed) at a meeting to be held for that purpose, of which ten days notice in writing shall be given by fixing the same upon the door of the church or chapel of such parish, township, or place, or if there be no church or chapel at the most public place there, which notice shall specify the work to be done, and the time and place for letting thereof; and if any surveyor shall have any part, share, or interest, directly or indirectly, in any such contract, or in any other contract or bargain for work or materials to be made, done, or provided upon, for, or on account of any of the highways, roads, bridges, or other works whatsoever under his care or management, or shall upon his own account, directly or indirectly, let to hire any team, or sell

Surveyor may contract for getting and carrying materials at a public meeting.

Surveyor not to have any share in contracts for work or materials.

or dispose of any timber, stone, or other materials to be used or employed in making or repairing such roads, bridges, or other works as aforesaid (unless a licence in writing for the sale of any such materials, or to let to hire any such team, be first obtained from some justice of the peace within that limit), he shall forfeit for every such offence the sum of ten pounds, and be for ever after incapable of being employed as a surveyor with a salary under the authority of this Act.

Penalty.

[L.] AND be it further enacted, that if any surveyor of the highways after his acceptance of the said office shall neglect his duty in anything required of him by this Act for which no particular penalty is imposed, he shall forfeit for every such offence any sum not exceeding five pounds nor less than ten shillings, at the discretion of the justice or justices having jurisdiction therein.

Penalty on surveyor for neglect of duty, when no particular penalty is imposed.

[LI.] AND be it further enacted, that where any lands have been or shall be given for the maintenance of causeways, pavements, highways, and bridges, all such persons who are or shall be enfeoffed or trusted with any such lands shall let them to farm at the most improved yearly value, without fine; and that the justices of the peace in their open sessions shall and may inquire, by such ways and means as they shall think fitting, into the value of all such lands so given or to be given, and order the improvement and employment of the rents and profits thereof according to the will and direction of the donor of such lands, if they find that the persons so intrusted have been negligent or faulty in the performance of their trust (except such lands have been given for the uses aforesaid to any college or hall in either of the universities of this kingdom which have visitors of their own); any law, statute, usage, or custom to the contrary notwithstanding.

Persons enfeoffed with lands for the maintenance of highways, &c. shall let them to farm at the most improved value, under supervision of justices.

[LII.] AND whereas in some places it hath been and may be found necessary, and the surveyors are hereby authorized and required, to secure horse causeways and foot causeways by posts, blocks, or great stones fixed in the ground, or by banks of earth cast up, or otherwise, from being broken up and spoiled with waggons, wains, carts, or carriages: And forasmuch as several evil-disposed persons do or may wilfully or wantonly pull up, cut down, and remove or damage the said posts, blocks, and great stones so fixed or to be fixed as aforesaid, and drive carriages upon such banks and causeways, or against the sides thereof, and also dig or cast down the said banks, which are the securities and defence of the said causeways, whereby the causeways or banks are often ruined and destroyed; and such evil-disposed persons do or may break, damage, or throw down the stones, bricks, or wood fixed upon the parapets or battlements of bridges, and do or may pull down, destroy, obliterate, or deface any milestone or post, graduated or direction post or stone, erected or to be erected upon any highway: For prevention thereof, be it enacted, that every person who shall be guilty of any such offence shall, upon complaint thereof made to any justice of the peace of the limit where the same shall be proved to be done by the oath of any one credible witness, or upon view of the justice himself, forfeit for every of the said offences any sum not exceeding five pounds nor less than ten shillings, and in default of payment thereof shall be committed to the house of correction of such limit, there to be whipped and kept to hard labour for any time not exceeding one calendar month nor less than seven days, at the discretion of such justice.

Penalty on persons damaging banks, causeways, direction posts, milestones, battlements of bridges, &c.

[LIII.] AND be it further enacted, that the justices of the peace of all cities, corporations, boroughs, and other places are hereby required to put in execution every part of this Act within their respective jurisdictions.

Justices of cities, &c. to put the Act into execution.

[LIV.] PROVIDED always, and be it further enacted, that nothing in this Act contained shall authorize or empower, or be deemed, construed, or taken to authorize and empower any justice or justices of the peace for any city, town corporate, or borough to fix or allow any salary to or for any surveyor to be appointed by any such justice or justices, other than and except such salary as shall be settled and agreed upon by two parts out of three of the persons assembled in the parish, township, or place within such city, town corporate, or borough for which such surveyor shall be appointed, pursuant to the directions of this Act.

Justices of cities, &c. not to allow salaries to surveyors, except such as shall be settled by householders.

[LV.] AND whereas the highways, not being turnpike roads, are much prejudiced by the narrowness of the wheels of the several carriages travelling thereon, and by the excessive burthens loaded in such carriages: Be it enacted, that no waggon having the sole or bottom of the fellies of the wheels of the breadth of nine inches shall go or be drawn with more than eight horses; and that no cart having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches shall go or be drawn with more than five horses; and that no waggon having the sole or bottom of the fellies of the wheels of the breadth of six inches, and rolling on each side a surface of

Limitation of the number of horses for waggons and carts, according to the breadth of the wheels.

13 GEO. 3. c. 78.

nine inches, shall go or be drawn with more than seven horses; and that no such waggon rolling a surface of six inches only shall go or be drawn with more than six horses; and that no cart having the sole or bottom of the fellies of the wheels of the breadth of six inches shall go or be drawn with more than four horses; and that no waggon having the sole or bottom of the fellies of the wheels of less breadth than six inches shall go or be drawn with more than five horses; and that no cart having the sole or bottom of the fellies of the wheels of less breadth than six inches shall go or be drawn with more than three horses upon such highways; under the pains, penalties, and forfeitures herein-after mentioned; (that is to say,) that the owner of such waggon or cart respectively shall forfeit the sum of five pounds, and the driver, not being the owner, the sum of ten shillings, for every horse or beast which shall be so drawing above the number hereby so respectively limited as aforesaid, to the sole use and benefit of the informer; but carriages moving upon wheels or rollers of the breadth of sixteen inches on each side thereof, with flat surfaces, are hereby allowed to be drawn with any number of horses or other cattle.

Penalties.

Carriages on sixteen-inch wheels may be drawn by any number of horses.

[LVI.] PROVIDED always, and be it enacted, that no prosecution shall be commenced before a justice of peace by way of information for any forfeiture incurred by the owner or driver of any carriage having a greater number of horses therein than are allowed by this Act unless such information be laid within three days after the offence committed; and that no action shall be commenced for any such offence unless the same be commenced within one calendar month after the offence committed; and that neither such information or action shall be laid or commenced unless notice shall be given by the informer to the driver of every such carriage on the day upon which the offence shall be committed of an intention to complain of such offence; and if it shall appear to the justice before whom such complaint shall be made that the offender lives so remote as to make it inconvenient to summon him to appear before such justice, the justice may dismiss the complaint, and leave the informer to his remedy by action at law.

Prosecutions for driving too great a number of horses how to be carried on.

Justices of peace, at their Michaelmas quarter sessions, may license an increase of the number of horses for use up steep hills, &c.

[LVII.] PROVIDED always, and be it further enacted, that it shall and may be lawful for the justices of the peace, at their respective general quarter sessions of the peace to be held in the week after Michaelmas, to license in such manner and for such time as they shall think fit an increase of the number of horses to be drawn in carriages up any steep hill, or on any road not turnpike, within their respective jurisdictions, over and above the number herein-before limited, if upon inquiry into the state and condition of such roads they shall find any additional number of horses necessary, and from time to time, at any Michaelmas quarter sessions to revoke, alter, or vary the same as they shall think fit.

Justices may stop proceedings for forfeitures for driving additional horses, when, from ice or deep snow, they were necessary.

[LVIII.] PROVIDED always, and be it further enacted, that if it shall appear upon the oaths of credible witnesses to the satisfaction of any justice or justices of the peace or of any court of justice authorized to enfore the execution of this Act, that any waggon, cart, or carriage could not by reason of deep snow or ice be drawn by the number of horses or beasts of draught hereby respectively allowed, then and in every such case it shall and may be lawful for such justice or justices of the peace or court respectively, and they are hereby respectively required, to stop all proceedings before them respectively for the recovery of any penalty or forfeiture which may have been incurred by drawing with a greater number of horses or beasts of draught than are hereby allowed, any thing herein contained to the contrary notwithstanding: Provided also, that the regulations herein-before mentioned concerning the number of horses and wheels of carriages shall not be deemed or construed to extend to carts, waggons, or other carriages employed only in carrying any one stone, block of marble, cable rope, or piece of metal, or piece of timber, or to such ammunition or artillery as shall be for his Majesty's service; and that two oxen or horned cattle shall for all the purposes of this Act be considered as one horse.

Carriages excepted out of this Act.

Two oxen to be considered as one horse.

The owner's name, &c. to be painted on all waggons and carts, and also on coaches, post chaises, &c. let to hire.

[LIX.] AND for the better discovery of offenders against this present Act, be it enacted, that the owner of every waggon, wain, or cart, and also of every coach, post chaise, or other carriage let to hire, shall paint or cause to be painted upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all such coaches, post chaises, or other carriages, before the same shall be used upon any public highway, his or her christian and surname, and the place of his or her abode, in large legible letters, and continue the same thereupon so long as such waggon, cart, coach, post chaise, or other carriage shall be used upon any such highway; and the owner of every common stage waggon or cart employed in travelling stages from town to town shall, over and above his or her christian and surname, paint or cause to be

Particulars to be painted on stage waggons, &c.

painted on the part and in the manner aforesaid the following words, Common Stage Waggon or Cart, as the case may be; and every person using any such carriage as aforesaid upon any highway without the names and descriptions painted thereon respectively as aforesaid, or who shall paint or cause to be painted any false or fictitious name or place of abode on such waggon, wain, cart, coach, post chaise, or other carriage, shall forfeit for every such offence a sum not exceeding five pounds nor less than twenty shillings.

Penalties.

[LX.] AND whereas many bad accidents happen and great mischiefs are frequently done upon the streets and highways by the negligence or wilful misbehaviour of persons driving carriages thereon: Be it therefore further enacted, that if the driver of any cart, car, dray, or waggon shall ride upon any such carriage in any street or highway, not having some other person on foot or on horseback to guide the same (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted); or if the driver of any carriage whatsoever on any part of any street or highway shall by negligence or wilful misbehaviour cause any hurt or damage to any person or carriage passing or being upon such street or highway, or shall quit the highway and go on the other side the hedge or fence inclosing the same, or wilfully be at such distance from such carriage whilst it shall be passing upon such highway that he cannot have the direction and government of the horses or cattle drawing the same, or shall by negligence or wilful misbehaviour prevent, hinder, or interrupt the free passage of any other carriage or of his Majesty's subjects on the said highways; or if the driver of any empty or unloaded waggon, cart, or other carriage shall refuse or neglect to turn aside and make way for any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; or if any person shall drive or act as the driver of any such coach, post chaise, or other carriage let for hire, or waggon, wain, or cart, not having the owner's name as before required painted thereon, or shall refuse to discover the true christian and surname of the owner of such respective carriages; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a justice of peace, or by the oath of one or more credible witness or witnesses, before any justice of the peace of the limit where such offence shall be committed, shall for every such offence forfeit any sum not exceeding ten shillings in case such driver shall not be the owner of such carriage, and in case the offender be owner of such carriage then any sum not exceeding twenty shillings, and in either of the said cases shall, in default of payment, be committed to the house of correction for any time not exceeding one month, unless the same shall be sooner paid; and every such driver offending in either of the said cases shall and may, by authority of this Act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be immediately conveyed or delivered to a constable or other peace officer in order to be conveyed before some justice of the peace to be dealt with according to law; and if any such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the justice of the peace before whom he shall be taken or to whom any such complaint shall be made to commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid by a description of his person and the offence, and expressing in such proceedings that he refused to discover his name.

Drivers of carriages punishable for misbehaviour or negligence;

or for driving carriages, &c. without the names, &c. painted thereon.

[LXI.] AND be it further enacted, that it shall and may be lawful for any two or more justices of the peace within their respective limits, and they are hereby empowered, from time to time whenever they shall judge proper to hold any special sessions besides that which is herein-before directed for executing the purposes of this Act, and to adjourn the same from time to time as they shall think fit, causing notice to be given of the time and place of holding such special sessions and of the adjournment thereof to the several justices acting and residing within such limits by the high constable or other proper officer within the same.

Justices may hold and adjourn special sessions for the purposes of this Act whenever they think fit, upon giving notice to the other justices.

[LXII.] AND for preventing obstructions which frequently happen by stopping of carriages on or near public bridges, be it further enacted, that if any person or persons collecting any tolls payable for passing over any public bridge with carriages or cattle of any kind shall keep any victualling house, alehouse, or other place of public entertainment, or shall sell or permit to be sold therein any wine, beer, ale, cyder, spirituous liquors, or other strong liquors by retail, he, she, or they, being lawfully convicted of such offence by the oath of one or more credible witness or witnesses or by his own confession before any justice of the peace of the limit wherein such offence shall be committed, shall for every such offence forfeit the sum of five pounds.

Alehouses, &c. not to be kept by collectors of tolls on bridges.

13 GEO. 3. c. 78.

Penalty for encroaching on highways.

[LXIII.] AND whereas inconveniences have arisen from making hedges or other fences and from ploughing or breaking up the soil of lands or grounds near the middle or centre of highways: For remedy thereof be it enacted, that if any person shall encroach by making or causing to be made any hedge, ditch, or other fence on any highway not being turnpike road within the distance of fifteen feet from the middle or centre thereof, or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands shall turn his plough in or upon any land or ground, within the distance of fifteen feet from the middle or centre of any highway where the breadth of such highway is formed and marked or described with certainty and does not exceed in breadth thirty feet, every person so offending shall forfeit for every such offence forty shillings to such person who shall make information of the same; and it shall be lawful for the surveyor who hath the care of any such road to cause such hedge, ditch, or fence to be taken down or filled up at the expence of the person or persons to whom the same shall belong; and it shall and may be lawful for any one or more justice or justices of the peace of the limit where such offence shall be committed, upon proof to him or them made upon oath, to levy as well the expences of taking down such hedges as aforesaid as the several and respective penalties hereby imposed by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act.

Encroachment to be taken down by the surveyor at the expense of the person making it.

Expenses and penalties to be levied by distress.

Court may award costs to prosecutor or defendant upon a frivolous defence or vexatious prosecution.

[LXIV.] AND be it further enacted, that it shall and may be lawful for the court before whom any indictment or presentment shall be tried for not repairing highways to award costs to the prosecutor, to be paid by the person or persons so indicted or presented, if it shall appear to the said court that the defence made to such indictment or presentment was frivolous, or to award costs to the person indicted or presented, to be paid by the prosecutor, if it shall appear to the said court that such prosecution was vexatious.

Expences for carrying on or defending prosecutions, agreed upon at a vestry meeting, how to be paid.

[LXV.] AND be it further enacted, that if the inhabitants of any parish, township, or place shall agree at a vestry or public meeting to prosecute any person by indictment for not repairing any highway within such parish, township, or place which they apprehend such person was obliged by law to repair, or for committing any nuisance upon any highways, or shall agree at such vestry meeting to defend any indictment or presentment preferred against any such parish, township, or place, it shall and may be lawful for the surveyor of such parish, township, or place to charge in his account the reasonable expences incurred in carrying on or defending such respective prosecutions after the same shall have been agreed to by such inhabitants at a vestry or public meeting or allowed by a justice of the peace within the limit where such highway shall be; which expences, when so agreed to or allowed, shall be paid by such parish, township, or place out of the fines, forfeitures, compositions, payments, and assessments authorized to be collected and raised by virtue of this Act.

Notice of holding vestries or public meetings.

[LXVI.] AND be it further enacted, that in all cases where a vestry or public meeting of the inhabitants of any parish, township, or place is authorized or directed by this Act, there shall be public notice given of the day, hour, and place of holding the said meeting at the church or chapel of such parish, township, or place on the Sunday next preceding such meeting, and also notice thereof in writing, specifying the purpose of such meeting, fixed at the same time upon the door of such church or chapel, and the same shall not be held till three days at least after such notice given; and if there be no church or chapel the like notice of such meeting shall be given in writing and put up at the most public place therein three days at least before such meeting.

Sums assessed on any person may be levied by distress and sale.

[LXVII.] AND be it further enacted, that if any person shall refuse or neglect to pay the sum or sums assessed upon him by any assessment to be made in pursuance of this Act within ten days after demand thereof made, the same shall and may be levied by the surveyor, or any other person or persons authorized by warrant under the hand and seal of one justice of the peace having jurisdiction therein, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted; and in default of such distress it shall be lawful for any such justice to commit the person so refusing or neglecting to the common gaol, there to remain until he shall have paid the sum so assessed and the costs and charges occasioned by such neglect or refusal.

In default of distress he may be committed.

Surveyor to be a competent witness.

[LXVIII.] AND be it further enacted, that the surveyor of any parish, township, or place shall be deemed in all cases a competent witness in all matters relative to the execution of this Act, notwithstanding his salary may arise in part from the forfeitures and penalties hereby inflicted.

Forms of proceedings in the schedule, &c.

[LXIX.] AND be it further enacted, that the forms of proceedings relative to the several matters contained in this Act, which are set forth and expressed in the schedule hereunto annexed, shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made or advantage taken for want of form in any such proceedings, by any person or persons whomsoever.

Printed abstracts of this Act to be given to surveyors.

[LXX.] AND in order to have the contents of this Act more generally communicated and known, be it further enacted, that the justices of the peace within their respective limits shall, at every special sessions to be held in the week next after the Michaelmas general quarter sessions of the peace, procure and deliver or cause to be procured and delivered a printed abstract of the most material parts of this Act to every surveyor to be then appointed by them respectively, as the charge hereby directed to be given, and shall also, at their said special sessions to be held in the year one thousand seven hundred and seventy-three, deliver or cause to be delivered to every of the said surveyors one other of the said printed abstracts of this Act, for the use of the parish, township, or place for which the said surveyor shall be appointed; which last-mentioned abstract the said surveyors are hereby respectively ordered and required to fix on the church or chapel door, or other public place, within their respective liberties, on the next Sunday after they shall so receive the same; and the said surveyors shall severally pay to the said justices clerks the sum of sixpence for each of the said last-mentioned printed abstracts.

One to be fixed on the church door in each surveyor's district.

Persons resisting the execution of this Act, or constables refusing to obey the warrant of a justice of peace, to forfeit not exceeding 10*l.* nor less than 40*s.*

[LXXI.] AND be it further enacted, that in case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this Act, or make any rescue of the cattle or other goods distrained by virtue of this Act, or if any constable, headborough, or tithingman shall refuse or neglect to execute or obey any warrant or precept granted by any justice of the peace pursuant to the directions of this Act, every such person offending therein, and being convicted thereof by a justice of the peace, shall for every such offence forfeit any sum not exceeding ten pounds nor less than forty shillings, at the discretion of the justice before whom he or she shall be so convicted, to be paid to the surveyor of the highways for the parish, township, or place where the offence was committed, to be laid out in the repair of the highways; and in case he or she do not forthwith pay or secure to be paid the said forfeiture after such conviction, then it shall and may be lawful for such justice of the peace to commit such person or persons to the common gaol or house of correction of the limit where such offence shall be committed, there to remain for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

Forfeitures, costs, and charges may be levied by distress and sale of the offender's goods.

[LXXII.] AND be it further enacted, that all penalties and forfeitures by this Act imposed for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this Act (the manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hand and seal of some justice of the peace for the limit where such offence, neglect, or default shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress (if any be) to the party or parties, after deducting the charges of making the same; which warrant such justice is hereby empowered and required to grant, upon conviction of the offender by confession, or upon the oath of one or more credible witness or witnesses, or upon order made as aforesaid; and the penalties and forfeitures, when so levied, shall be paid the one half to the informer and the other half to the surveyor of the highway where such offence, neglect, or default shall happen, to be applied towards the repair thereof, unless otherwise directed by this Act, but in case the surveyor shall be the informer, then the whole shall be employed towards the repair of such highway; and in case such distress cannot be found, and such penalties and forfeitures or the said costs and charges shall not be forthwith paid, it shall and may be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to commit such offender or offenders, or person or persons liable to pay the same respectively, to the common gaol or house of correction of the limit where the offence shall be committed or such order as aforesaid shall be made, for any time not exceeding three months, unless the said penalty, forfeiture, costs, and charges shall respectively be sooner paid; and if such offender or offenders, or person or persons liable or ordered to pay the same respectively shall live out of the jurisdiction of the justice hereby authorized to grant such warrant, it shall and may be lawful for

In what manner to be applied.

For want of distress offenders may be committed.

Proceedings where the offender lives within another jurisdiction.

13 GEO. 3. c. 78.

any justice of the peace of the limit wherein such person shall inhabit, and every such justice is hereby required, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture or penalty was incurred and of the order for the payment of such costs and charges produced and proved by a credible witness upon oath, by warrant under his hand and seal to cause the penalty or forfeiture mentioned in such conviction, and the costs and charges mentioned in such order, or so much thereof as shall not have been paid, to be levied by distress and sale of the goods and chattels of such offender or offenders or person or persons liable or ordered to pay the same respectively as aforesaid, and if no sufficient distress can be had to commit such offender or offenders or person or persons liable as aforesaid to the common gaol or house of correction of such limit for the time and in manner aforesaid.

Warrant of distress when to be issued.

[LXXIII.] PROVIDED nevertheless, that no warrant of distress, unless otherwise directed by this Act, shall be issued for levying any penalty or forfeiture, costs or charges, until six days after the offender shall have been convicted, and an order made and served upon him or her for payment thereof.

The prosecutor may proceed for the forfeiture by information before a justice, or by action at law, if it amount to 40*s.*

[LXXIV.] PROVIDED also, and be it further enacted, that every prosecutor or informer may at his election sue for and recover any forfeiture or penalty imposed by this Act which shall amount to the sum of forty shillings or upwards, (the manner of recovery thereof not being particularly directed by this Act,) either in the manner herein-before directed, or by action at law to be brought by such informer or prosecutor in any of his Majesty's courts of record in manner following; (that is to say,) where any person shall be liable to any such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of , being forfeited by an Act passed in the thirteenth year of the reign of his present Majesty, intituled "An Act to "explain, amend, and reduce into one Act of Parliament the statutes now in being for "the amendment and preservation of the public highways within that part of Great "Britain called England, and for other purposes"; and the plaintiff, if he recovers in any such actions, shall have double costs.[a]

Limitation and notice of actions.

[LXXV.] PROVIDED, that there shall not be more than one recovery for the same offence, and that ten days notice in writing be given to the party offending previous to the commencement of such action, and that the same be brought and commenced within one calendar month after the offence for which such action is brought shall have been committed.

Convictions how to be made.

[LXXVI.] PROVIDED also, and be it further enacted, that no conviction shall be had or made by virtue of this Act unless upon confession of the party accused or upon the oath of one or more credible witness or witnesses or upon the view of a justice of peace in the cases before mentioned; and that any inhabitant of any parish, township, or place in which any offence shall be committed contrary to this Act shall be deemed a competent witness, notwithstanding his or her being an inhabitant of such parish, township, or place.

Inhabitants of parishes good witnesses.

Justices may administer oaths.

[LXXVII.] AND be it further enacted, that it shall and may be lawful for any justice of the peace to administer an oath to any witness or witnesses, or other person or persons, for the better discovery and execution of the several matters or things herein-before authorized or directed to be examined, inquired into, or performed by such justice.

Distress not unlawful for want of form in the proceedings, nor distrainers trespassers ab initio. Satisfaction recoverable for special damage.

[LXXVIII.] AND be it further enacted, that where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any irregularity which shall be afterwards done by the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Plaintiffs not to recover in actions for irregularity, &c. if tender of amends be made. Payment into court may be made by leave.

[LXXIX.] PROVIDED always, that no plaintiff or plaintiffs shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings before such action brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings or orders and judgment shall

[a] As to double costs, see 5 & 6 Vict c. 97. s. 2.

13 GEO. 3. c. 78.

be had, made, and given in and by such court as in other actions where the defendant is allowed to pay money into court.

Appeal may be made to quarter sessions by persons aggrieved by any thing done by any justice, &c. in the execution of this Act.

[LXXX.] PROVIDED also, and be it further enacted, that if any person shall think himself or herself aggrieved by any thing done by any justice or justices of the peace or other person in the execution of any of the powers given by this Act, and for which no particular method of relief hath been already appointed, every such person may appeal to the justices of the peace at any general quarter sessions of the peace to be held for the limit wherein the cause of such complaint shall arise, such appellant giving or causing to be given notice in writing of his or her intention to bring such appeal and of the matter thereof to the justice or other person or persons against whom such complaint shall be made, within six days after the cause of such complaint arose, and within four days after such notice entering into recognizance before some justice of the peace within such limit, with one sufficient surety, conditioned to try such appeal at and abide the order of and pay such costs as shall be awarded by the justices at such quarter session; and every justice of the peace and other person, having received notice of such appeal as aforesaid, shall return all proceedings whatsoever had before them respectively touching the matter of such appeal to the said justices at their general quarter sessions aforesaid, on pain of forfeiting five pounds for every such neglect; and the said justices at such session, upon due proof of such notice being given as aforesaid and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper, to be levied and recovered as herein-before directed; and the determination of such quarter session shall be final and conclusive to all intents and purposes; and that no proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or removed by certiorari or any other writ or process whatsoever (except as herein-before mentioned) into any of his Majesty's courts of record at Westminster, any law or statute to the contrary notwithstanding; provided that no such appeal shall be made against any conviction for any penalty or forfeiture incurred by virtue of this Act unless the person convicted shall at the time of such conviction, if he or she shall be then present, if not, within six days after, give notice of his or her intention to appeal, and at the same time enter into recognizance, with sufficient sureties, to pay such penalty or forfeiture in case such conviction shall be affirmed upon such appeal; and upon his or her giving such security the further proceeding for such penalty or forfeiture shall be suspended until such appeal shall be heard and determined.

No proceedings to be quashed for want of form or removed by certiorari.

Limitation of actions.

[LXXXI.] AND be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought within the county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought or laid in any other place than as aforementioned, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any other cases by law.[a]

General issue.

Treble costs.

Commencement of Act.

[LXXXII.] AND be it further enacted, that this Act shall commence and take place, with respect to the assembling of the householders and others, and the making and delivering of lists of persons qualified to serve the office of surveyor, and the giving notices to the persons contained in such lists, upon the twenty-first day of September one thousand seven hundred and seventy-three, and with respect to all the other matters and things herein contained on the eleventh day of October one thousand seven hundred and seventy-three.

Repeal of 7 Geo. 3. c. 40.

[LXXXIII.] AND to the intent that there may be only one law subsisting for the several purposes aforesaid, be it further enacted and declared, that from and after the

[a] As to treble costs, see 5 & 6 Vict. c. 97. s. 2.

13 GEO. 3. c. 78.

tenth day of October one thousand seven hundred and seventy-three, an Act passed in the seventh year of the reign of his present Majesty, intituled "An Act to explain, "amend, and reduce into one Act of Parliament the several statutes now in being for "the amendment and preservation of the public highways of this kingdom, and for "other purposes therein mentioned," (except so much thereof as repeals the several Acts and parts of Acts therein mentioned which are not revived by an Act passed in the eighth year of the reign of his present Majesty, intituled "An Act to explain, amend, "and render more effectual an Act passed in the seventh year of his present Majesty's "reign, intituled 'An Act to explain, amend, and reduce into one Act of Parliament "'the several statutes now in being for the amendment and preservation of the public "'highways of this kingdom, and for other purposes therein mentioned,'") shall be and the same is hereby repealed.

Surveyors appointed under 7 Geo. 3. c. 40. to pass their accounts at special sessions after Michaelmas next.

[LXXXIV.] PROVIDED nevertheless, that the several surveyors appointed under the authority of the said Act passed in the seventh year of the reign of his present Majesty shall produce such books and lists, and pass their accounts, before the justices at their respective special sessions to be holden within their respective limits in the week next after the Michaelmas quarter sessions in the year one thousand seven hundred and seventy-three, and pay the balances thereof, in such manner as they ought to have done at the special sessions which was by the said Act to have been held on the first Monday in October, or within fifteen days after; and if the justices shall appoint any surveyor or surveyors under the authority of the said Act, such appointment shall be void and of no effect.

Exception relative to Bristol,

[LXXXV.] PROVIDED always, and be it further enacted by the authority aforesaid, that nothing in this Act contained touching the making and returning lists of persons qualified to be surveyors of the highways, and the appointment of such surveyors, nor the repeal of part of an Act made in the third year of King William and Queen Mary, relating to such surveyors, shall extend, or be construed, deemed, or taken to extend, to the city of Bristol; but that the several Acts of Parliament which have been passed previous to this Act relative to surveyors of the highways, and to cleansing, paving, lighting, and regulating the streets and other places within the said city, shall remain in full force and be executed in as full and ample manner and form, to all intents and purposes, as the same might or ought to have been if this Act had never been made.

and St. Mary Matfelon, &c.

[LXXXVI.] PROVIDED also, that nothing in this Act contained shall extend, or be deemed or construed to extend, to the parish of Saint Mary Matfelon otherwise Whitechapel, and Saint John of Wapping, in the county of Middlesex, or either of them.

Powers of commissioners of sewers not abridged.

[LXXXVII.] PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, restrain, or abridge the powers or authorities given to the commissioners of sewers by any Act or Acts of Parliament whatsoever, or to vary or alter any of the provisions or regulations thereby made, directed, or provided; anything herein contained to the contrary thereof in anywise notwithstanding.

The SCHEDULE (stating the Forms) to which this Act refers.

No. I.

WARRANT for calling the Meeting of the Householders, &c., and for fixing that of the Justices for appointing Surveyors.

Middlesex. To the constables, headboroughs, and tithingmen within the (hundred) riding) division) liberty) or precinct) (as the case shall be) of in the said county.

IN order to carry into execution an Act made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the public highways, you are hereby severally required forthwith to give public notice to the churchwardens, surveyors of the highways, and householders, being assessed to any parochial or public rate within your respective liberties, that they do assemble on the twenty-second day of September next at the church or chapel, or if there shall be no church or chapel, then at the usual place of public meetings within their respective liberties, at the hour of eleven in the forenoon; and that the major part of them so assembled do make a list of the names of at least ten persons living therein, who each of

13 GEO. 3. c. 78.

them have an estate in lands, tenements, or hereditaments lying within the same, in their own right or in the right of their wives, of the value of ten pounds by the year, or a personal estate of the value of one hundred pounds, or are occupiers or tenants of houses, lands, tenements, or hereditaments of the yearly value of thirty pounds; and if there shall not be ten persons having such qualifications, then that they do insert in such list the names of so many of such persons as are so qualified, together with the names of the most sufficient and able inhabitants not so qualified as shall make up the number ten, if so many can be found, if not, so many as shall be there resident, to serve the office of surveyor of the highways; and you are also severally required within three days after making the said list to deliver a copy thereof to one of the justices of peace of the said (hundred) riding) division, &c.) (as the case shall be) living in or near the same (parish, &c.); and also to give personal notices to or cause notices in writing to be left at the places of abode of the several persons contained in such list, informing them of their being so named, to the intent that they may severally appear before the said justices at their special sessions to be holden at within the said (hundred, &c.) on the day of now next ensuing, at the hour of in the forenoon of the same day, to accept such office, if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed; and you are likewise to give notice to the present surveyors of the highways within your respective liberties to appear at the same time and place, and produce such accounts and lists before the said justices as are required by the said Act; and you and each of you are personally to appear before the said justices at their said special sessions, and then and there severally deliver to the said justices the said original list or lists taken within your respective liberties, and give an account of the execution of this our precept. Given under our hands and seals the day of in the year of our Lord 17 .

No. II.

LIST of Persons to be returned to the Justices.

A list of the several persons named for surveyors of the highways for the [insert the name of the parish, township, or place] at a meeting held at in the said (parish, &c.) the day of 17 .

A.B.
C.D., &c.

WE whose names are subscribed, being two parts in three of the persons assembled at the meeting aforesaid, do agree in the choice of A.B. as a fit person to serve the office of surveyor for the (insert the parish, &c.) aforesaid, and in the allowance to him of for his trouble in executing the same for the year ensuing; and we do recommend the said A.B. to the justices for their appointment accordingly.

This to be added when a particular person is recommended.

No. III.

NOTICE to the Persons contained in the List.

A. B. take notice, that you was, at a meeting held at (insert the name of the parish, &c.) on the day of named as one of the persons to be returned to the justices as fit to serve the office of surveyor for the said (parish, &c.) for the year ensuing; and if you have any cause to shew why you should not be appointed to serve such office, you must make the same appear before the justices at their special sessions to be holden at on the day of next.

A.B. { Constable, Headborough, or Tithingman, (as the case shall be.)

No. IV.

ORDER to the (Constable, &c.) to return to the Justices the Amount of a Sixpenny Assessment.

Middlesex. To the (constable, &c.) of

YOU are hereby required to return to us and the other justices to be assembled at the special sessions to be held at for the (hundred, &c.) of in the said county, on the day of next, the amount of the last assessment of sixpence in the pound for the use of the highways within your liberty, if any

13 GEO. 3. c. 78.

such has been raised; if not, what you apprehend, from the best information you can get, an equal assessment of sixpence in the pound upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments within the said liberty, according to their yearly value, will amount to. Given under our hands this day of 17 .

No. V.

RETURN to the Justices of the Amount of a Sixpenny Assessment.

To the justices assembled at their special sessions at the day of 17 .

IN obedience to your order, I do return and certify, that the last assessment of sixpence in the pound for the use of the highways within the liberty of amounted to the sum of .

(If no assessment of sixpence in the pound hath been made, then as under.)

IN obedience to your order, I do return and certify, that no assessment hath been made of sixpence in the pound for the use of the highways within the liberty of ; but I apprehend, from the best information which I have been able to get, that an equal assessment of sixpence in the pound upon all the occupiers of lands, tenements, woods, tithes, and hereditaments within the said liberty will amount to the sum of .

A.B. (Constable, &c.)

No. VI.

APPOINTMENT of a Surveyor.

Middlesex. At a special sessions held at in the hundred of by justices of the peace for the said county acting within the said hundred, on the day of 17 .

WE do hereby nominate and appoint A.B., &c. of [insert the name of the parish, &c. where he lives] in the said hundred, surveyor (or surveyors) of the highways within the said (parish, &c.) for the year ensuing (and we do allow the said A.B. the salary of for his trouble); and you the said A.B. are faithfully and truly to execute the said office of surveyor according to the directions of the statute passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, an abstract of the material parts of which statute is hereunto annexed. Given under our hands and seals the day and year above mentioned.

This is to be inserted when a surveyor is appointed with a salary.

No. VII.

BOND from the Surveyor.

WE, A.B., surveyor of the highways for the (parish, township, &c.) of and C.D. of are bound to E.F. of aforesaid in the sum of pounds, to be paid to the said E.F., his executors, administrators, or assigns; for which payment we hereby bind ourselves severally and each of our heirs, executors, and administrators.

Dated the day of 17 .

The condition of this bond is such, that if the said A.B., his executors or administrators, shall duly and faithfully account for, apply, and pay all and every the sum and sums of money which shall come to his hands as surveyor of the highways for the (parish, &c.), according to the direction and true intent and meaning of the statute made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, then this bond to be void, or else to remain in full force.

No. VIII.

APPOINTMENT of an Assistant to the Surveyor.

Middlesex. At a special sessions held at in the hundred of by justices of the peace for the said county acting within the said hundred, on the day of 17 .

WE do hereby nominate and appoint C.D., a substantial inhabitant of the (parish, &c.) of in the said hundred, assistant to A.B., whom we have appointed surveyor of the highways for the said (parish, &c.); and you the said C.D.

are to the best of your skill and judgment to assist the said surveyor whenever requested by him in calling in and attending the performance of the statute duty, in collecting the compositions, fines, penalties, and forfeitures, and in making and collecting the assessments, and in making out and serving the notices authorized by the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, and in such other matters and things as shall be reasonably required of you by the said surveyor in the execution of his office of surveyor, pursuant to the said Act; and you are justly and truly to account with and pay to the said surveyor or to his order the money which shall come to your hands by the means aforesaid. Given under our hands and seals the day and year above mentioned.

No. IX.

OATH to be administered to the Surveyor upon passing his Accounts.

I A.B. do swear that the accounts now produced and delivered by me, as surveyor of the highways for the (parish, &c.) of for the last year, are just and true to the best of my knowledge.

So help me GOD.

No. X.

ALLOWANCE of the Accounts.

October 17 .

These accounts were examined and allowed before

No. XI.

NOTICE from the Surveyor to remove Nuisances and Obstructions, and to cut Hedges, &c.

To C.D. of

IN pursuance of the directions given by the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, I, A.B., surveyor of the highways for the (parish, &c.) of do hereby give you notice forthwith to remove the (dung) timber) stone, &c.) placed by you in a certain part of the King's highway lying between and in the (parish, &c.) of to the obstruction and annoyance of the said highway; or (forthwith to cut, prune, and plash the hedges, and cut or prune the trees, and to open, cleanse, and scour the several ditches and watercourses belonging to you) in or near the highway lying between and to the intent that the water may be drained from the said highway, and that the sun and wind may not be excluded from such highway to the prejudice thereof.

To remove nuisances and obstructions.

To cut and prune hedges, and to cut or prune trees, and to open and scour ditches and watercourses.

Dated this day of 17 .

A.B.

No. XII.

ALLOWANCE of Charges and Expences paid by Surveyors which are to be repaid by the Possessors of the Lands, &c., and Order of the Justice for that Purpose.

Middlesex. WHEREAS complaint hath been made unto me, A.B., esquire, one of his Majesty's justices of peace for the said county, by the oath of surveyor of the highways for the parish of in the said county, that C.D. of having had due notice to cut and prune his hedges and cleanse and scour his ditches and watercourses within or adjoining to the public highway between and in the said parish of hath neglected to do the same within the time required by such notice, and that the said hath caused the same respectively to be cut, pruned, cleansed, and scoured pursuant to the directions of the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, and hath expended therein the sum of as appears by an account now produced to me, which I think a reasonable charge, and do therefore allow the same, and hereby order the said C.D. to pay the said sum of to the said within six days from the time of his being served with this order. Given under my hand and seal this day of 17 .

13 GEO. 3. c. 78.

No. XIII.

ORDER of a Justice of Peace to make new Drains.

Middlesex. To C.D. of surveyor of the highways for the (parish, &c.) of .

WHEREAS complaint hath been made to me, A.B., esquire, one of his Majesty's justices of the peace for the said county, that the ditch, gutter, or watercourse for conveying the water from the highway at in the (parish, &c.) of in the said county is not sufficient for that purpose, and that the cleansing and opening the same will not effectually carry off the said water, but that the said highway may be effectually drained and the water carried off by making a new ditch or drain through the lands or grounds of lying near the same for the length of yards and the breadth of feet; and the said having been duly summoned to appear before me to shew cause, if he had any, why the said ditch or drain should not be made, and the said not appearing (or not shewing sufficient cause against the same), and it appearing to me that such ditch or drain is necessary, I do hereby order and require you to enter into and upon the said lands of the said and there make or cause to be made a new ditch or drain of the length and breadth aforesaid, and of a convenient depth, making or tendering sufficient satisfaction to the said for the damages to be done thereby, within one calendar month after the same shall be so made, such damages to be settled and ascertained in manner directed by the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways. Given under my hand this day of 17 .

No. XIV.

NOTICE of Application to be made for an Assessment.

Middlesex. NOTICE is hereby given that application will be made to the justices of the peace acting for the (hundred) of in the said county, at their special sessions to be held at in the said (hundred) on the day of one thousand seven hundred , for an equal assessment to be made, not exceeding in the pound, upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments within the (parish, &c.) of , for the use and benefit of the highways within the said (parish, &c.).

Dated this day of 17 .

A.B., Surveyor.

No. XV.

ORDER at Special Sessions for an Assessment of Sixpence in the Pound.

Middlesex. At a special sessions for the highways held at in the hundred of in the said county, the day of 17 , by justices of peace for the said county acting within the said hundred.

UPON application made to us by the surveyor of the highways for the (parish, &c.) of and upon evidence given upon oath before us (that the duty directed to be performed and the money authorized to be collected and received by an Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, have been performed, applied, and expended according to the directions of the said Act); or (we are fully satisfied that the common highways, bridges, causeways, streets, and pavements belonging to the (parish, &c.) of are so far out of order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported by the means prescribed by the said Act); and it appearing to us that notice has been duly given of such intended application according to the direction of the said Act, we do hereby order, direct, and appoint that an equal assessment, not exceeding the sum of in the pound, upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments within the said (parish, &c.) of , shall be forthwith made by the said surveyor, and shall be allowed by one justice of the peace for the said hundred, and shall be collected by the said surveyor; and that the money so to be assessed and collected shall be applied for and towards the amending, repairing, paving, cleansing, and supporting such highways, causeways, streets, pavements, and bridges (and for

If no assessment has been made for buying materials, &c. this may amount to nine-pence in the pound; but if a sixpenny assessment had been made before, it must be only three-pence.

13 GEO. 3. c. 78.

buying materials, making satisfaction for damages, erecting guide posts, and paying the surveyor's salary), according to the direction and true intent and meaning of the said Act.

These latter words may be added here if there has been no former assessment for those purposes.

A.B.
C.D.

No. XVI.

ORDER of Two Justices for (widening) or (diverting and turning) a Highway.

Middlesex. WE two of his Majesty's justices of the peace for the said county, acting within the (hundred, &c.) of within the said county, having upon view found that a certain part of the highway between and in the (parish, &c.) of in the said (hundred), for the length of yards or thereabouts, and particularly described in the plan hereunto annexed, is for the greatest part thereof narrow, *and cannot be conveniently enlarged and made commodious for travellers without diverting and turning the same; and having viewed a course proposed for the said new highway through* the lands and grounds of and of the length of yards or thereabouts, and of the breadth of feet or thereabouts, particularly described in the plan hereunto annexed, which we think will be much more commodious to the public; we do hereby order that the said highway be *diverted and turned* through the lands aforesaid, and that the surveyor of the highways for the (parish, &c.) of where the said old highway lies, do forthwith proceed to treat and make agreement with the said and for the recompence to be made for the said ground and for the making such ditches and fences as shall be necessary, in such manner, with such approbation, and by pursuing such measures and directions in all respects as are warranted and prescribed by the statute made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways; and in case such agreement shall be made as aforesaid, we do order an equal assessment, not exceeding the rate of sixpence in the pound, to be made, levied, and collected upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments in the said (parish, &c.) of , and that the money arising thereupon be paid and applied in making such recompence and satisfaction as aforesaid, pursuant to the directions of the said Act.

(When it is only to be widened, leave out the words in italic and insert), *but may be conveniently enlarged and widened by adding thereto from* . Or *widened and enlarged.*

A.B.
C.D.

No. XVII.

CERTIFICATE from the said Justices to the Court of Quarter Sessions.

To the justices of the peace at their general quarter sessions to be held at in the said county the day of 17 .

This is to be wrote upon the above order when no agreement can be made.

WE the within-named A.B. and C.D. do hereby certify to the said court of quarter sessions that we made and signed the within order, and that with our approbation and by our direction the said surveyor hath treated with the said and for the said lands required for the purposes aforesaid, but was not able to make any agreement for that purpose with them or either of them; and that he tendered to the said the sum of and to the said the sum of as a recompence for the said ground and for the making the said ditches and fences, which they and each of them refused to receive.

A.B.
C.D.

No. XVIII.

ORDER for stopping up the old Highway, and selling the Land and Soil thereof.

WE whose names are subscribed, being the justices of peace who have viewed the several highways described in the plans hereunto annexed, and made an order for diverting the old highway, and being satisfied that the new highway therein described is properly made and fit for the reception of travellers, do hereby order the said old highway, being of the length of yards and of the breadth of

If there are more highways than one to be stopped up, there should be a separate order for each.

13 GEO. 3. c. 78.

feet upon a medium, as appears by the said plan, to be stopped up, and the land and soil thereof to be sold by the said surveyor to whose land adjoins thereto, if he shall be willing to purchase the same, for the full value thereof, if not, to some other person or persons, for the full value thereof (reserving nevertheless to a free passage for persons, horses, cattle, and carriages through the land and soil of the said old highway to and from the (land, &c.) belonging to him, called , according to his ancient usage thereof).

This to be inserted where necessary, and to be varied as the circumstances of the case may require.

No. XIX.

CERTIFICATE to be wrote under the Order above mentioned.

WE the above-named justices do certify, that the old highway herein-before mentioned and described was sold by the said surveyor to with our approbation, for the sum of , which sum we do order the said to pay to the said surveyor, to be applied in purchasing the land and making the said new highway; and if any surplus remains, we do order that the same shall be applied for the use of the highways within the said (parish, &c.) of .

No. XX.

RECEIPT for the Purchase Money, to be indorsed upon or wrote under the Certificate above mentioned.

RECEIVED the day of from the said the sum of , being the full consideration money for the purchase of the said old highway herein-before described, pursuant to the said orders and certificate.

No. XXI.

ORDER of Two Justices for diverting and turning a (Public Highway, Bridleway, or Footway, as the Case shall be,) through the Lands of any Person who consents thereto.

Middlesex. WE and esquires, two of his Majesty's justices of the peace for the said county, at a special sessions held at in the (hundred) of in the said county, on the day of one thousand seven hundred , having upon view found that a certain part of a (highway, &c.) within the (parish, &c.) of in the said hundred, lying between and for the length of yards or thereabouts, and particularly described in the plan hereunto annexed, may be diverted and turned so as to make the same nearer (or more commodious) to the public; and having viewed a course proposed for the new highway, in lieu thereof, through the lands and grounds of of the length of yards or thereabouts, and of the breadth of feet or thereabout, particularly described in the plan hereunto annexed, and having received evidence of the consent of the said to the said new highway being made through his lands herein-before described by writing under his hand and seal, we do hereby order that the said highway be diverted and turned through the lands aforesaid; and we do order an equal assessment, &c. (in the same form as before mentioned).

No. XXII.

CONSENT from the Owners of the Land through which a new Highway is proposed to be made.

I A.B. of in the county of being owner of the lands described in the plan hereunto annexed, through which part of a certain highway lying between and is intended to be diverted and turned (in consideration of the sum of to be paid to me for the said land and the soil thereof), or (in consideration of the said old highway being sold, exchanged, and to be vested in me, and also of the sum of to be paid to me (as the case may be), do hereby consent to the making and continuing such new highway through my said lands. Given under my hand and seal this day of 17 .

No. XXIII.

13 GEO. 3. c. 78.

LICENCE from Justices of Peace at a Special Sessions to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.

Middlesex. At a special sessions held at for the (hundred) of in the said county, by justices of the peace for the said county acting within the said (hundred), on the day of 17 .

IT appearing to us, upon evidence this day received, that sufficient materials cannot conveniently be had within the waste lands, common grounds, rivers, or brooks, nor in the inclosed lands or grounds, lying within the (parish, &c.) of A. in the said (hundred), for the repair of the highways within the said (parish, &c.), nor in the waste lands, common grounds, rivers, or brooks within the (parish) of B. adjoining to the said (parish, &c.) of A., we do hereby give our licence to the surveyor for the said (parish) of A. to search for, dig, get, and carry sand, gravel, chalk, stone, and other materials within the inclosed lands or grounds of C.D. within the said (parish, &c.) of B., to be employed in the repair of the highways within the said (parish) of A., it appearing from evidence laid before us that there are proper materials within the said lands for the purposes aforesaid lying convenient to the said highways, and that after such materials shall be so taken there will be sufficient left for the use of the highways within the said (parish) of B., upon the said surveyor's making satisfaction and recompence for the same in the manner directed by the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, subject to such restrictions as are therein contained. Given under our hands and seals the day and year above written.

A.B.
C.D.

No. XXIV.

LICENCE from a Justice of Peace for a Surveyor to gather Stones upon inclosed Lands for the Repair of the Highways.

Middlesex. To the surveyor of the highways for the (parish) of in the (hundred) of in the said county.

WHEREAS by an Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, the surveyors are authorized to gather stones lying upon any lands or grounds within their liberty, for the use and benefit of the highways, but not without the consent of the occupiers of such lands, or a licence from a justice of peace for that purpose: And whereas it appears to me E.F., one of his Majesty's justices of the peace for the said county, and acting within the said (hundred, &c.), upon the oath of the said surveyor, that he hath applied to A.B. of for his consent to gather stones from the lands called or known by the names of and in his occupation, within the said (parish, &c.) for the purposes aforesaid, and that the said stones are necessary for the repair of the said highways, and that the said A.B. hath refused to permit the same to be gathered; and the said A.B. having been duly summoned to appear before me to shew cause why such permission should not be granted, and (having appeared before me accordingly), or (having sent his steward or agent), or (C.D. on his behalf to attend me upon that occasion), or (but not having appeared), I have heard what has been alleged, and taken the said matter into consideration, and am of opinion that the said stones are necessary, and ought to be gathered and carried away for the purposes aforesaid: Therefore I do hereby give my licence to the said surveyor to take and carry away the same accordingly. Given under my hand and seal the day of 17 .

No. XXV.

NOTICE to perform Statute Duty (to be given Four Days before the Day on which the Duty is to be performed).

If he does not occupy lands, &c. of the yearly value of 30*l.* in such parish, &c. he is only to send one man.

A. B., you are hereby required to send a team, with two able men, to within the (parish, &c.) of on the and days of next, at o'clock in the morning of each day, in order to perform such duty upon the highways within the said as shall be required by the surveyor, pursuant to the direction of the Act passed in the thirteenth year of the

13 GEO. 3. c. 78.

reign of his Majesty King George the Third, for the amendment and preservation of the highways. (When personal labour is required,) You are hereby required, by yourself, or a sufficient labourer, to attend, &c.

If a waggon, or a cart with two horses, or one horse only, is required, let it be expressed.

Dated this day of 17 .

No. XXVI.

NOTICE for Compositions.

NOTICE is hereby given, that all persons who are inclined to compound for their statute duty within the (parish, &c.) of are hereby required to signify their intention to compound for the same to the surveyor of the highways for the said (parish, &c.) at the house of of on the day of this instant November, between the hours of and ; and they are hereby required, at the same time or within the space of one month after, to pay their composition money to the said surveyor; and also, that all persons who are liable to pay money for the lands, tenements, woods, tithes, and hereditaments which they occupy, or in lieu of their duty within the said (parish, &c.), according to the Act made in the thirteenth year of his Majesty King George the Third, for the amendment and preservation of the highways, are required to pay the same to the said surveyor on the day or within the time aforesaid.

Dated this day of November 17 .

A.B., Surveyor.

No. XXVII.

ORDER for Statute Duty to be performed in Kind.

Middlesex. At a special sessions held at in the (hundred) of in the said county, the day of 17 , by justices of the peace for the said county acting within the said (hundred).

IT appearing to us, from the information which we have received, that there will be difficulty in procuring the necessary (carriage), or (a sufficient number of labourers) (as the case shall be,) for the repair of the highways within the (parish, &c.) of within the said (hundred), without paying high and extravagant prices for the same, we do hereby order and direct (the team duty within the said (parish, &c.), except such teams where the owners thereof do not occupy lands, tenements, woods, tithes, or hereditaments within the said (parish, &c.) of the annual value of thirty pounds), or (one half of the team duty, &c.), or (the labourers liable to perform statute duty within the said (parish, &c.) (as the case shall be), to perform statute duty in kind within the said (parish, &c.), according to the authority and directions of the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways.

No. XXVIII.

NOTICE to the Surveyor of the Times fixed by the Inhabitants for being excused from doing their Statute Duty.

To the surveyor of the highways for the (parish, &c.) of in the county of .

I A.B. (constable) (headborough) (tythingman) of the said (parish, &c.) do hereby give you notice, that the inhabitants of the said (parish, &c.) did, at a vestry or public meeting held on the day of one thousand seven hundred , agree to take the benefit of the indulgence of three months for not performing their statute duty given by the legislature in the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, at the times following; videlicet, that they shall not be called upon to perform such duty between the day of and the day of (which they consider as the seed month), nor between the day of and the day of (which they consider as the hay harvest month), nor between the day of and the day of (which they consider as the corn harvest month). [The like notice to be given to the surveyor or surveyors of the turnpike roads where there are any such within the (parish, &c.)]

No. XXIX.

13 GEO. 3. c. 78.

ORDER of the Justices at their Special Sessions for the Repair of certain Highways which most want Repair.

Middlesex. At a special sessions held at in the (hundred) of in the said county, the day of 17 , by justices of the peace for the said county, acting within the said (hundred).

To the surveyors of the highways for the (parish, &c.) of in the said (hundred).

IT appearing to us, that the highway lying between and within your liberty is very founderous, and in bad repair, and being of great public use, we do hereby order that you repair or cause the same to be repaired before the day of next.

Given under our hands and seals this day of 17 .

No. XXX.

A PRECEPT for erecting Guide Posts, &c.

Middlesex. At a special sessions held at for the (hundred) of in the said county, before justices of the peace for the said county, acting within the said (hundred), on the day of 17 .

To the surveyor of the (parish) of in the said (hundred).

YOU are hereby required forthwith to erect or cause to be erected in the most convenient place upon the highway lying between and within your liberty, where the roads cross or branch out, a guide post, with proper inscriptions painted on both sides thereof in large legible letters, denoting the towns of and (or other places, as the justices shall think most proper).

[Where graduated stones or posts are necessary to prevent accidents from deep waters, vary it as under] [In the most convenient place upon the highway, at the approach or entrance on each side of the ford or water called at within your (liberty), graduated posts, denoting the depth of water in the deepest part thereof, through which such highway passes; and you are allowed to charge the reasonable expences of providing and erecting the same in your accounts.]

A.B.
C.D.

No. XXXI.

NOTICE for holding a Vestry or other public Meeting.

NOTICE is hereby given, that a vestry or public meeting will be held at on the day of next, at the hour of in the noon, in order to consult about the times when it will be most convenient for the inhabitants of this (parish, &c.) to be excused from being called forth to perform their statute duty, according to the indulgence given them by the Act passed in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways.

Dated the day of 17 .

A.B. (Constable,) (Headborough, &c.)

No. XXXII.

PRESENTMENT by a Justice of Peace.

Middlesex. AT the general quarter sessions of the peace of our Lord the King held for the said county at in the said county, on (Tuesday) the day of in the year of the reign of , before esquires, and others their companions, justices of our said Lord the King, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed; A.B., esquire, one of the justices of our said Lord the King, assigned for the purposes aforesaid, by virtue of an Act made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways (upon his own view), or (upon information upon oath to him given by C.D., surveyor of the highways for the (parish, &c.) of in the said county), doth present, that from the time whereof the memory

This to be inserted where it is upon the information of the surveyor.

13 GEO. 3. c. 78.

of man is not to the contrary, there was and yet is a certain common and ancient King's highway leading from the town of in the said (county, &c.) towards and unto within the same (county), used for all the King's subjects, with their horses, coaches, carts, and carriages, to go, return, and pass at their will; and that a certain part of the same King's common highway, commonly called , situate, lying, and being in the (parish, &c.) of in the same (county), containing in length yards, and in breadth feet, on the day of in the year of the reign of and continually afterwards until the present day was and yet is very ruinous, deep, broken, and in great decay for want of due reparation and amendment, so that the subjects of the King through the same way with their horses, coaches, carts, and carriages could not during the time aforesaid, nor yet can, go, return, or pass as they ought and were wont to do, to the great damage and common nuisance of all the King's subjects through the same highway going, returning, or passing, and against the peace of our said Lord the King; and that the inhabitants of the (parish, &c.) of aforesaid, in the (county) aforesaid, the said common highway (so in decay) ought to repair and amend when and so often as it shall be necessary. In testimony whereof the said A.B. to these presents hath set his hand and seal this day of in the year aforesaid.

No. XXXIII.

SUMMONS for any Person or Persons to attend a Justice or Justices.

Middlesex. To A.B. of .

WHEREAS complaint and information hath been made upon oath before me C.D., one of his Majesty's justices of the peace for the said (county, &c.), by E.F. of , that, &c. [here state the nature and circumstances of the case as far as it shall be necessary to shew the offence and to bring it within the authority of the justice, and in doing that follow the words of the Act as near as may be]: These are therefore to require you personally to appear before me (or the justices to be assembled at their special sessions to be holden) at in the said (county, &c.) on the day of next, at the hour of in the noon, to answer to the said complaint and information made by the said E.F., who is likewise directed to be then and there present to make good the same: Herein fail not. Given under my hand and seal this day of 17 .

No. XXXIV.

INFORMATION.

Middlesex. BE it remembered, that on the day of 17 A.B. of in the said county informeth and maketh oath before me , one of his Majesty's justices of the peace for the said county, that of in the said county [here describe the offence, and if it is for default in performing statute duty, state the duty required and the notice given for that purpose, and the neglect according to the fact, and as near the words of the Act as may be], contrary to the statute made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, which hath imposed a forfeiture of for the said offence.

A.B.

Taken and sworn the day of before me }

No. XXXV.

FORM of a Conviction.

Middlesex. BE it remembered, that on the day of in the year of our Lord 17 , at in the county aforesaid, A.B. came before me C.D., esquire, one of his Majesty's justices of the peace for the said county, and informed me that E.F. of , on the day of now last past, at in the said county, did [here set forth the fact in the manner described by the statute], whereupon the said E.F., after being duly summoned to answer the said charge, appeared before me on the day of at in the said county, and having heard the charge contained in the said information, declared that he was not guilty of the said offence; but the same being fully proved upon the oath of G.H., a credible witness, it manifestly appears to me the said justice

13 GEO. 3. c. 78.

that he the said E.F. is guilty of the offence charged upon him in the said information: It is therefore considered and adjudged by me the said justice, that the said E.F. be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge that he the said E.F. hath forfeited the sum of of lawful money of Great Britain for the offence aforesaid, to be distributed as the law directs according to the form of the statute in that case made and provided. Given, &c. After the words "being duly summoned to answer to the said charge" insert (did not appear before me pursuant to the said summons): or (did neglect and refuse to make any defence against the said charge; but the same being fully proved, &c.) as before. After the words "contained in the said information" insert (acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice, &c.) as above.

This to be inserted where the party refuses to appear upon the summons.

This to be inserted when the party accused confesses the charge.

No. XXXVI.

WARRANT to distrain for the Forfeiture.

Middlesex. To the (constable) headborough) or tithingman) of

WHEREAS A.B. of in the said county (yeoman) is this day convicted before me C.D., esquire, one of his Majesty's justices of the peace in and for the said county, upon the oath of G.H., a credible witness, for that the said A.B. hath [here set forth the offence, describing it particularly in the words of the statute as near as may be], contrary to the statute in that case made and provided, by reason whereof the said A.B. hath forfeited the sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore in his Majesty's name to command you to levy the said sum of by distress of the goods and chattels of him the said A.B.; and if within the space of four days next after such distress by you taken the said sum, together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay one half of the said sum of to E.F. of who informed me of the said offence, and the other half of the said sum of to J.K., the surveyor of the highways for the (parish, township, or place) where the said offence (neglect or default) happened, to be employed towards the repair of the said highways, returning the overplus upon demand to him, the said A.B. (the reasonable charges of taking, keeping, and selling the said distress being first deducted); and if sufficient distress cannot be found of the goods and chattels of the said A.B. whereon to levy the said sum of , that then you certify the same to me, together with this warrant. Given under my hand and seal the day of 17 .

This to be varied according to the Act in each particular case.

C.D.

No. XXXVII.

RETURN of the Constable to be made upon the Warrant of Distress when there are no Effects.

I A.B., constable of the (parish, &c.) of in the (county) of , do hereby certify and make oath, that by virtue of this warrant I have made diligent search for the goods of the within-named , and that I can find no sufficient goods whereon to levy the within sum of . As witness my hand the day of 17 .

A.B.

Sworn before me the day and year, &c. C.D.

No. XXXVIII.

WARRANT of Distress for Nonpayment of Money charged by an Assessment.

Middlesex. To the (constable) headborough) tithingman) of in the said (county).

WHEREAS by an assessment made upon the occupiers of lands, tenements, woods, tithes, and hereditaments within the (parish, &c.) of in the said (county), for the purposes of, &c. [as stated in the justice's order], pursuant to an order of justices for that purpose, according to the directions of the Act passed in the thirteenth year of the reign of his Majesty king George the Third, for the amendment and preservation of the highways, A.B. was charged the sum of as his share and proportion of the said assessment, in respect of the lands, tenements, woods, tithes, and

13 GEO. 3. c. 78.

hereditaments which he occupied within the said (parish, &c.): And whereas it appears to me upon the oath of that the said sum of hath been duly demanded from the said A.B., and that he hath refused to pay the same for the space of ten days after such demand made: These are therefore in his Majesty's name to command you to levy the said sum of by distress of the goods and chattels of the said A.B; and if the same shall not be paid within the space of four days next after such distress by you taken, together with the reasonable charges of taking and keeping the same, that you do then sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay unto C.D., the surveyor of the highways for the said (parish, &c.) of , the said sum of , to be employed for the purposes aforesaid; and that you do return the surplus thereof to the said A.B. (the reasonable charges of taking, keeping, and selling the said distress being first deducted); and if sufficient distress cannot be found of the goods and chattels of the said A.B. whereon to levy the said sum of , that then you certify the same to me, together with this warrant. Given under my hand and seal the day of 17 .

No. XXXIX.

COMMITMENT for Want of Distress.

Middlesex. To the (constable) of in the said county, and to the keeper of the common gaol (or the house of correction) at in the said county.

WHEREAS A.B. of in the said county (yeoman) was on the day of convicted before me C.D., Esq., one of his Majesty's justices of the peace in and for the said county, upon the oath of E.F. a credible witness, for that he the said A.B. [here set forth the offence], contrary to the statute made in the thirteenth year of the reign of his Majesty King George the Third, for the amendment and preservation of the highways, by reason whereof the said A.B. hath forfeited the sum of : And whereas, on the day of in the year aforesaid, I did issue my warrant to the (constable) of to levy the said sum of by distress and sale of the goods and chattels of him the said A.B., and to distribute the same according to the directions of the said statute: And whereas it duly appears to me, upon the oath of the said (constable), that the said (constable) hath used his best endeavours to levy the said sum on the goods and chattels of the said A.B. as aforesaid, but that no sufficient distress can be had whereon to levy the same: These are therefore to command you, the said (constable) of aforesaid, to apprehend the said A.B., and him safely to convey to the common gaol (or house of correction) at in the said county, and there deliver him to the keeper thereof, together with this precept; and I do hereby also command you the said keeper to receive and keep in your custody the said A.B. for the space of three months, unless the said sum shall be sooner paid pursuant to the said conviction and warrant; and for so doing this shall be your sufficient warrant. Given under my hand and seal, the day of in the year of our Lord 17 .

C.D.

In the case of a commitment for the want of payment of money due by an assessment, it must be (to receive and keep in your custody until he shall have paid the said sum of , and the further sum of , being the costs and charges occasioned by his neglect in paying the same).

No. XL.

NOTICE of Appeal to the Quarter Sessions.

A. B. take notice, that I intend to appeal to the next general quarter sessions of the peace to be holden for the (county, &c.) of against an order (conviction, or other proceeding, as the case may be, particularly specifying the purport of such order, &c., and assigning the grievance and cause of complaint). Dated the day of 17 .

C.D.

27 GEORGE III. A.D. 1787.

CHAPTER I.

AN ACT to render more effectual the Laws now in being for suppressing unlawful Lotteries.[a]

WHEREAS the good and wholesome laws from time to time made and provided for the suppression of unlawful lotteries, and against adventuring in lotteries established by Acts of Parliament in Great Britain or Ireland by unlawful sales of chances of tickets and by insuring for or against the drawing of such tickets, have not been found effectual for the purposes intended thereby: And whereas in and by an Act of Parliament made and passed in the eighth year of the reign of his late Majesty King George the First, intituled "An Act for continuing the duties on malt, "mum, cyder, and perry, to raise money by way of lottery, for the service of the year "one thousand seven hundred twenty-two, and for transferring the deficiencies of a "late malt Act to the land tax for the said year, and for giving time for inserting the "money given with apprentices in their indentures, and touching lost bills, tickets, "or orders, and for exchanging the tickets in the Exchequer for certificates, and for "suppressing lotteries denominated sales, and other private lotteries, and for enlarging "the time for the accountant general of the Bank of England to return duplicates of "annuities into the Exchequer," it is amongst other things enacted that all and every person or persons who after the twenty-first day of December in the year of our Lord one thousand seven hundred and twenty-one shall make, print, advertize, or publish, or cause to be made, printed, advertized, or published, proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some publick lottery or lotteries established or allowed by Act of Parliament, or shall deliver out or cause or procure to be delivered out tickets to the persons advancing such sums, to intitle them to a share of the money so advanced, according to such proposals or schemes, or shall make, print, or publish, or cause to be made, printed, or published any proposal or scheme of the like kind or nature, under any denomination, name, or title whatever, and shall be thereof convicted upon the oath or oaths of one or more credible witness or witnesses, by two or more justices of the peace of the county, division, or liberty where such offence shall be committed or the offender shall be found, shall for such offence, over and above any former penalties inflicted by any former Act or Acts of Parliament made against any private or unlawful lotteries, forfeit the sum of five hundred pounds: And whereas in and by two other Acts of Parliament, the one thereof made and passed in the twelfth year of the reign of his late Majesty King George the Second, intituled "An Act for the more effectual preventing of excessive and deceitful "gaming," and the other thereof made and passed in the twenty-second year of the reign of his present Majesty, intituled "An Act for licensing lottery office keepers, "and regulating the sale of lottery tickets," many good and wholesome provisions are enacted, which require to be maintained and carried more effectually into execution: And whereas great difficulties have arisen upon the methods of conviction of offenders against the said recited Acts before justices of the peace, and many evasions of the said recited Acts are daily put in practice: For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every the said recited Acts, and every article and thing in them contained touching and concerning lotteries, and not by this Act altered or repealed, or other provision made in lieu thereof, shall be duly put in execution, according to the tenor of the said recited Acts, and under the penalties therein contained, to be raised, levied, and disposed of as in and by this Act is directed.

Recital of 8 Geo. 1. c. 2.

12 Geo. 2. c. 28.

and 22 Geo. 3. c. 47.

Provisions of recited Acts concerning lotteries not hereby altered to continue in force.

[a] The provisions of this Act (which is rep., 46 Geo. 3. c. 148. s. 64.) are extended and applied by 42 Geo. 3. c. 119. s. 7.

27 GEO. 3. c. 1.

Penalties under recited Acts shall not be recovered before justices, but may be sued for at Westminster within six months.

Application of penalties.

[II.] AND be it further enacted by the authority aforesaid, that from and after the day on which this Act shall receive his Majesty's royal assent no pecuniary penalty or penalties which shall be incurred by any person or persons offending against such parts of the said Acts or any of them as touch and concern lotteries shall be recovered or recoverable before any justice or justices of the peace, but shall and may be sued for by any person or persons whomsoever, at any time within six calendar months next after such offence shall be committed, and recovered by action of debt, bill, plaint, suit, or information in any of his Majesty's courts of record at Westminster, in which no essoin, protection, wager of law, or more than one imparlance shall be allowed; and one moiety of the said respective penalties, when recovered, shall in every such case go and be applied to the use of his Majesty, his heirs and successors, and the other moiety, with full costs of suit, to the person or persons who shall sue or prosecute for the same respectively; and upon every such action, bill, plaint, suit, or information, a capias or other writ shall and may issue; the first process specifying therein the amount of the penalty or penalties sued for, whereof an affidavit shall be first duly made and filed; and the defendant or defendants shall in such case be obliged to give sufficient bail or security, by natural-born subjects, persons naturalized, or denizens, to the person or persons to whom such capias or other writ shall be directed, to appear in the court out of which such process shall be issued at the day of the return of such process to answer such suit or prosecution; and shall likewise, at the time of such appearance, give sufficient bail or security, by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, together with the costs of suit, in case he, she, or they shall be convicted thereof, or to yield his, her, or their body or bodies to prison: Provided always, that the bail herein-before required to be given shall in no case exceed the sum of five hundred pounds.

In any action for penalty the defendant shall give bail to answer it.

Bail not to exceed 500*l.*

17 Geo. 2. c. 5. recited,

[III.] AND whereas in and by an Act made and passed in the seventeenth year of the reign of his late Majesty King George the Second, intituled "An Act to amend "and make more effectual the laws relating to rogues, vagabonds, and other idle and "disorderly persons, and to houses of correction," it is enacted that all persons playing or betting at any unlawful games or plays shall be deemed rogues and vagabonds within the true intent and meaning of that Act: And whereas all lotteries not established by Act of Parliament in Great Britain or Ireland are declared to be common and publick nuisances: And whereas all adventuring with lottery tickets in such lotteries as are established by Act of Parliament other than by the actual sale of tickets and of such shares thereof as are permitted by law to be sold is wholly prohibited by the said Act of the twenty-second year of the reign of his present Majesty: And whereas it would tend greatly to suppress such abuses in the lottery now established, and in all future lotteries that may hereafter be established by law, if the person and persons guilty of any of the offences against this Act, or such parts of the herein-before mentioned Acts or any of them as touch and concern lotteries, might be punishable under the said Act passed in the seventeenth year of the reign of his said late Majesty, except in cases of insurances on tickets by persons actually possessed thereof under the restrictions herein-after mentioned: Be it therefore further enacted by the authority aforesaid, that from and after the day on which this Act shall receive his Majesty's royal assent all and every person and persons who shall publickly or privately open, set up, continue, or keep, by himself or herself, or by any other person or persons, any office or other place for buying, selling, or otherwise dealing in any tickets or any shares of tickets in any lottery now established or hereafter to be established by any British or Irish Act of Parliament, or for registering the numbers of such tickets, without the authority of a licence duly obtained for that purpose from the commissioners for managing the duties upon stamped vellum, parchment, and paper for the time being, in the manner in and by the said recited Act of the twenty-second year of the reign of his present Majesty directed; and all and every person and persons (except as herein-after is provided) who shall, by himself, herself, or themselves, or by any other person or persons, or for his, her, or their own account, or for or on the account, as the servant, agent, or factor, of any other person or persons, sell, or cause or procure to be sold, the chance or chances of any such ticket or tickets, or any share or shares thereof, for a day, or part of a day, or any less time than the whole time of drawing in any such lottery then to come; or insure, or cause or procure any other person or persons to insure, for or against the drawing of any such ticket or tickets; or shall receive any money or goods whatsoever, in consideration of any agreement or promise to repay any sum or sums of money, or to deliver the same, or any plate,

and extended to persons who shall deal in tickets without taking out a licence pursuant to 22 Geo. 2. c. 47. or sell chances, &c.

jewels, or other goods whatsoever, if any such ticket or tickets shall prove fortunate or unfortunate, or upon any other chance or chances, event or events, contingency or contingencies, relative or applicable to the drawing of any such ticket or tickets, whether as to the time of their being drawn or otherwise howsoever; shall be deemed rogues and vagabonds, within the true intent and meaning of the said recited Act of the seventeenth year of the reign of his said late Majesty, and shall be punishable as such rogues and vagabonds accordingly; and all persons who shall be found offending against this Act in the manner above mentioned shall and may be apprehended and conveyed before some justice or justices of the peace, as in and by the said recited Act in relation to the rogues and vagabonds therein described is directed; and the justice or justices before whom such offender shall be brought, such offender not having been sued or prosecuted for the same offence, without covin or collusion, in some of his Majesty's courts of record, by such action of debt, bill, plaint, suit, or information as aforesaid, shall and may, upon full and sufficient proof of the offence, in the manner in and by the said recited Act directed, order such offender to be sent to the house of correction, there to remain until the next general or quarter sessions of the peace for the county, riding, division, or place where the said offence was committed; and the justices at such sessions shall enter upon the examination of the case, and proceed therein according to the directions of the said recited Act of the seventeenth year of his said late Majesty; and all justices of the peace, mayors, bailiffs, constables, headboroughs, and other his Majesty's civil officers, within their respective jurisdictions, are hereby impowered and strictly required to use their utmost endeavours to prevent the committing of any of the offences aforesaid, by all lawful ways and means; and shall be and are hereby indemnified for any thing done in execution of this Act.

Justices to commit offenders to the house of correction till the next quarter sessions.

[IV.] AND be it further enacted by the authority aforesaid, that all other the powers, authorities, rules, directions, punishments, and provisions, prescribed and inflicted in and by the said recited Act of the seventeenth year of his said late Majesty, for the apprehending, securing, and punishing persons as rogues and vagabonds within the true intent and meaning of the said Act, not hereby altered, shall be applied and carried into execution in relation to the persons hereby declared to be rogues and vagabonds, as fully to all intents and purposes as if the same powers, authorities, rules, directions, punishments, and provisions, and every of them, had severally and respectively been re-enacted in this Act.

The powers of recited Act, 17 Geo. 2. c. 5., extended to this Act.

[V.] PROVIDED always, and be it further enacted by the authority aforesaid, that from and after the day on which this Act shall receive his Majesty's royal assent it shall and may be lawful for any person, actually possessed of any whole undrawn ticket in any lottery now established or hereafter to be established by law in Great Britain, to make or cause to be made any insurance on his or her ticket, for the indemnifying himself or herself against any loss which he or she may sustain by adventuring in the said lottery for or by reason of such ticket, so as every contract or agreement for such insurance be reduced into writing (without being subject to any of the duties under the management of the commissioners of stamps) before the time of such ticket being drawn in the said lottery; and so as the name of the possessor of such ticket at the time of such insurance, the number thereof, the lottery to which such ticket shall belong, and the amount of the premiums received thereon, be respectively inserted and expressed in such agreement, and so as every such insurance be made upon a whole ticket or whole tickets only, on condition to pay the full amount or value thereof, and not otherwise; anything contained in this Act or in the said Act of the twenty-second year of the reign of his present Majesty for licensing lottery office keepers and regulating the sale of lottery tickets to the contrary thereof notwithstanding.

The possessor of a whole ticket in any lawful lottery may insure it by a written agreement for its full value.

Every insurance must be for the whole time remaining of the drawing; and the ticket must be deposited with the receiver general of the stamp duties or some person appointed by him to receive it.

[VI.] PROVIDED always, that no such insurance shall be for a less time than shall then remain of the drawing of the said lottery; and that every such ticket so insured shall be deposited by the person so insuring the same in an office established or to be established by the commissioners for managing the duties upon stamped vellum, parchment, and paper for the time being for the deposit of tickets intended to be sold in shares, by virtue of an Act passed in the twenty-second year of his present Majesty's reign, intituled "An Act for licensing lottery office keepers and regulating the sale of "lottery tickets"; and shall be there left with the receiver general of his Majesty's stamp duties, or some person or persons to be appointed by him to receive the same, and who is and are hereby authorized and required to receive the same: Provided also, that every such ticket so deposited may be assignable, together with such insurance.

Tickets and insurances assignable.

[VII.] PROVIDED always, and be it further enacted by the authority aforesaid, that if any person or persons whatsoever, not being duly licensed under the said Act of the

Persons not duly licensed

27 GEO. 3. c. 1.

twenty-second year of his present Majesty's reign, shall from and after the day on which this Act shall receive his Majesty's royal assent grant, sign, or underwrite any agreement for any such insurance as aforesaid, or shall take or receive any premium or consideration in the nature of a premium for such insurance, every such person or persons not duly licensed as aforesaid shall be subject to the like pains, penalties, and forfeitures as are inflicted on persons keeping lottery offices without the authority of such licence by the said Act of the twenty-second year of his present Majesty's reign or by this Act, to be levied and recovered, inflicted, applied, and carried into execution as in and by this Act is directed, and according to the true intent and meaning thereof.

making insurances, liable to the penalties of keeping unlicenced lottery offices.

Offenders not to be prosecuted for pecuniary penalties, and also as vagabonds.

[VIII.] PROVIDED always, and be it further enacted by the authority aforesaid, that no person shall be liable to be prosecuted for any offence against this Act, or such parts of the herein-before mentioned Acts or any of them as touch and concern lotteries, by both the ways by this Act prescribed; nor shall any person against whom any action, suit, or information for the recovery of a pecuniary penalty hath been commenced and carried on with effect be liable to imprisonment as a rogue and vagabond under this Act for the same offence; and that where any person shall be convicted and sentenced to imprisonment as a rogue and vagabond under this Act, such person shall not be liable afterwards to be prosecuted for any pecuniary penalty for the same offence.

Nor before a justice for offences respecting lotteries already established, unless information has been made before Feb. 5, 1787.

[IX.] PROVIDED also, and be it further enacted by the authority aforesaid, that no person or persons shall be subject or liable to any prosecution before any justice or justices of the peace for any offence against the herein-before mentioned Acts touching and concerning any lottery now established or heretofore established in this kingdom, unless information thereof shall have been made on or before the fifth day of February one thousand seven hundred and eighty-seven.

His Majesty's share of penalties to be paid to the receiver general of the stamp office.

[X.] AND be it further enacted, that all such penalties and forfeitures, and shares of penalties and forfeitures, and sums of money which shall belong to his Majesty, his heirs and successors, and which shall be received by any officer or officers in the execution of this Act, shall be paid into the hands of the receiver general of the stamp office for the time being, who shall keep a separate and distinct account thereof, and thereout shall pay the expence the said office shall be put to in executing this Act; and the said receiver general shall pay the residue into the receipt of the Exchequer at such time and in such manner as other penalties and forfeitures due and payable to his Majesty are or shall be paid or payable.

General issue.

[XI.] AND be it further enacted by the authority aforesaid, that if any person or persons shall at any time or times be sued, molested or prosecuted for any thing by him, her, or them done or executed in pursuance of this Act, or of any clause, matter, or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.[a]

Treble costs.

[a As to treble costs, see 5 & 6 Vict. c. 97. s. 2.]

END OF THE FOURTH VOLUME.

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